



DEPARTMENT OF THE NAVY
BUREAU OF NAVAL PERSONNEL
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

5720
PERS 00J6/20190112
January 22, 2019

Mr. Thomas R. Jones
NBC Universal
225 Broadway
San Diego, CA 92101

Dear Mr. Jones:

SUBJECT: YOUR FREEDOM OF INFORMATION ACT (FOIA) REQUEST

This is in response to your Freedom of Information Act (FOIA) request of December 11, 2018. You seek a copy of formal complaints filed from January 1, 2016 to present day (or at least December 11, 2018) submitted by employees or inmates at the Naval Consolidated Brig Miramar. Your request was received in this office on December 11, 2018, and has been assigned FOIA correspondence file number PERS20190112 by this command.

A releasable copy of responsive documentation is enclosed. The redacted portions of the documentation are exempt from disclosure under FOIA exemption 7(c) [5 U.S.C. § 552(b)(7)(c)]. Release of such information could constitute a clearly unwarranted invasion of the personal privacy of individuals who may be identified within a law enforcement context. Some documents responsive to your request are under the cognizance of the Department of Defense Office of the Inspector General. These documents are being referred to their office for their direct reply to you.

Because your request is partially denied by this command, you are advised of your right to appeal this determination in writing to the Office of the Judge Advocate General, OJAG Code 14, 1322 Patterson Avenue SE Suite 3000, Washington Navy Yard, DC 20374-5066.

If an appeal is deemed necessary, it must be received in that office within 90 calendar days from the date of this letter, in order to be considered. To expedite an appeal, you should enclose a copy of this letter and a copy of the original request along with a statement regarding why your appeal should be granted. The letter of appeal and the envelope should bear the notation, "FOIA/PA APPEAL."

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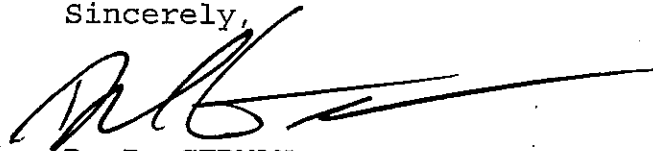
PERS 00J6/20190112

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I am the official responsible for the partial denial of your request. Should you wish to discuss the processing of your request, you may contact the undersigned at (901) 874-3165. You may also contact the DON FOIA Public Liaison, Christopher Julka, at Christopher.a.julka@navy.mil or (703) 697-0031.

Further, you may contact the Office of Government Information Services (OGIS) as they provide a voluntary mediation process for resolving disputes between persons making FOIA requests and the Department of the Navy (DON). For more information, please go to:
<https://www.archives.gov/ogis/about-ogis/contact-information>.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. P. German', with a long horizontal flourish extending to the right.

D. P. GERMAN
FOIA/PA Officer
By direction

(b)(7)(c)

From: (b)(7)(c)
Sent: (b)(7)(c)
To: Bupers_IG_Hotline
Subject: [Non-DoD Source] Fraternization at brig

who (b)(7)(c) naval consolidated brig miramar (b)(7)(c) naval consolidated brig miramar,
(b)(7)(c) both navla consolidated brig miramar.

what: the (b)(7)(c) has violated the fraternization policy of the navy opnavinst5370.2d, 5. b. c. and d. by letting her junior guy in the office (b)(7)(c) live with her since (b)(7)(c). (b)(7)(c) know about this. yet chose to look the other way. The (b)(7)(c) has told many marines, soldiers and navy worker at that she and the (b)(7)(c) live together. the (b)(7)(c) is also he direct supervisor, and knows the (b)(7)(c) has drinking problem. she also knows that he performs below the required and still (b)(7)(c) the (b)(7)(c) and the (b)(7)(c) have also encourage their living situation and not corrected this. it is said that the department head of the department (b)(7)(c) both work in is aware. the (b)(7)(c) has said that becuase (b)(7)(c) (b)(7)(c) she cannot get knocked down. there is no fairness in the office and the (b)(7)(c) (b)(7)(c) always gets favoritism. he gets to work late and goes home early without no reproccussion. (b)(7)(c) (b)(7)(c) and other including the (b)(7)(c) husband have seen (b)(7)(c) living in (b)(7)(c) house, throught out the last (b)(7)(c) season (b)(7)(c) had (b)(7)(c) pick up her uniforms from the uniform shop. both her and (b)(7)(c) treat with with notable favoritism because he he runs and does their work more than he does his own work.

where-brig miramar (b)(7)(c)

when-since (b)(7)(c) and it is getting out of hand no professionalism

why and how- this is wrong and it is bringing moral down in the command and everyone choses to look away because she is a (b)(7)(c) (b)(7)(c) is very unprofessional and she si fully aware that what she is doing is wrong but continues this because she says she is the executive officers favorite. they also treat the other junior personnel in the office not as great as the (b)(7)(c)

i hope this report keeps anonymous. i just need to report this because i am tired of seeing other service member not say anything.

i am afraid of reprisal.

i believe that the whole command is aware, like the triad, the (b)(7)(c) especialy (b)(7)(c) and civilians. but chose to have a blind eye. Also before me knowing of this issue, the (b)(7)(c) who are in charge of (b)(7)(c) heard of this also have chosen to look the other way. it is apparent that the (b)(7)(c) has issues with fraternization because she freely experresed (b)(7)(c) younger and very much lower ranking than her.

i hope that this process work and these poeple can be corrected.

HOTLINE COMPLAINT FORM
NAVPERS 5370/1 (11-2010)

Supporting Directive BUPERSINST 5370.5A

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 5014, Office of the Secretary of the Navy; 10 U.S.C. 5020, Naval Inspector General; SECNAVINST 5430 .57G, Mission and Functions of the Naval Inspector General, 29 December 2005.

PURPOSES: To determine the facts and circumstances surrounding allegations or complaints against Department of the Navy personnel and/or Navy/ Marine Corps activities. To present findings, conclusions and recommendations developed from investigations and other inquiries to the Secretary of the Navy, Chief of Naval Operations, Commandant of the Marine Corps, or other appropriate Commanders.

ROUTINE USES: In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may be specifically disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) Per the DoD 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of Privacy Act System of Records Notices.

DISCLOSURE: Voluntary. However, failure to provide the requested information may result in a lack of enough information for the Inspector General to investigate or substantiate a complaint.

1. Do you wish to remain anonymous?

☒ Yes

☐ No

2. If no, do you want confidentiality?

☒ Yes

☐ No

Provide the following information if answer to number 1 above is 'No':

NAME (First and Last, no nicknames please):

(b)(7)(c)

RANK / GRADE:

STREET MAILING ADDRESS:

APARTMENT NUMBER:

CITY:

STATE:

ZIP CODE:

COUNTRY:

HOME TELEPHONE NUMBER (Area Code & Number)
(Include country code, if applicable):

DUTY STATION / PLACE OF EMPLOYMENT:

WORK TELEPHONE NUMBER (Area Code & Number)
(Include DSN and/or country code, if applicable):

E-MAIL ADDRESS:

3. Are you willing to be interviewed?

☐ Yes

☐ No

4. Who is involved? (Include everyone's first and last names, rank/pay grade, and duty station/place of employment.)

(b)(7)(c)

Consolidated Brig Miramar.

All four are assigned to Naval

5. SUBJECT(s): (Who performed the wrong doing?)

(b)(7)(c)

6. WITNESS(es): (Who are the witnesses?)

(b)(7)(c)

Believes that the command Triad is aware. "CMEO has heard, but chose to look other way."

7. What did the subject do or fail to do that was wrong? (Be specific)

(b)(7)(c) violated the Navy's fraternization policy, by letting her junior guy in the office, (b)(7)(c) live with her since (b)(7)(c) (b)(7)(c) pick up her uniforms from the uniform shop. (b)(7)(c) treat with with notable favoritism because he he runs and does their work more than he does his own work. "

HOTLINE COMPLAINT FORM
NAVPERS 5370/1 (11-2010)

Supporting Directive BUPERSINST 5370.5A

8. What rule, regulation or law do you think the subject(s) violated?

OPNAVINST 5370.2d, 5. b. c. and d.

9. When did the incident occur? (Provide dates and times or "Early 2005", etc.)

(b)(7)(c) - present

10. Where did the incident take place? (What location, command etc.?)

Naval Consolidated Brig Miramar, (b)(7)(c) home..

11. Why do you think the incident took place?

12. Why do you want the IG involved?

13. How have you tried to resolve the problem? Have you contacted your chain of command? Have you contacted your local Inspector General? Have you tried to resolve your complaint using an established process such as Board for Correction of Naval Records, Informal Resolution System, EO/EEO or legal system?

14. What do you want the IG to do?

15. Additional information you wish to provide.

The (b)(7)(c) (direct supervisor) knows (b)(7)(c) has drinking problem. Knows that (b)(7)(c) performs below requirements (b)(7)(c) (b)(7)(c) and the (b)(7)(c) have encourage living situation and not corrected. DH of Dept (b)(7)(c) is aware. (b)(7)(c) received an (b)(7)(c) and says cannot get knocked down. No fairness in office. (b)(7)(c) always gets favoritism. Arrives to work late and leaves early w/no repercussion.

HOTLINE TELEPHONE INTAKE FORM

CALLER STATUS: ☐ Anonymous ☒ Confidential

NATURE OF CALL: ☒ Complaint ☐ Inquiry

Contact Information: Name: (b)(7)(c) Phone: _____
Email: _____
Address: _____
City: _____ State: _____ Zip Code: _____

(1) Who is the subject (to include Command / Activity, as applicable)?

Senior authority at NAVAL CONSOLIDATED BRIG MIRAMAR

(2) What is the alleged wrongdoing or inquiry?

Allegedly poor leadership and quality of life for the staff at the brig, rumors" and "accountability, and belittlement by senior leadership

(3) When did it occur?

(4) Are there any witnesses?

(5) Who else have you informed regarding this matter?

(6) Have you tried to address this issue within the chain of command?

a. No - Why not?

My only request is that (b)(7)(c) not be disclosed, because I do not want nor need (b)(7)(c) stalking me or reprisal for telling the truth. Please do not turn the blind eye, send someone else to take over as the CO, not (b)(7)(c). There is a reason we go through systems like this and she is one of the reasons.

b. Yes - Who, When, and What was the response?

(7) What would you like the IG to do?

The command climate should be revisited one more time, integrity and efficiency, there is so much more, this command a career killer through all branches.

DATE OF COMPLAINT: (b)(7)(c)

COMPLAINT TAKEN BY: (b)(7)(c)

REFERRED TO: _____

NAVY HOTLINE NUMBER ASSIGNED: (b)(7)(c)

HOTLINE TELEPHONE INTAKE FORM

CALLER STATUS: ☐ Anonymous ☐ Confidential

NATURE OF CALL: ☒ Complaint ☐ Inquiry

Contact Information: Name: (b)(7)(c) Rank: (b)(7)(c)

Command (if applicable): NAVCONBRIG - Miramar

Email: (b)(7)(c) Phone: (b)(7)(c)

Mailing Address: (b)(7)(c)

City: (b)(7)(c) State: (b)(7)(c) Zip Code: (b)(7)(c)

(1) Who is/are the subject(s)/ Who Engaged in the Violation/Misconduct (Name, Rank/Grade, Command /Activity, as applicable)?

(b)(7)(c)
(b)(7)(c) all attached to NAVCONBRIG - Miramar

(2) What is the alleged wrongdoing or inquiry? What did the subject do or fail to do that constitutes a violation?

Alleged repeated harassment, belittling, profiling, racist and sexist, making a workplace hostile, complainant has a (b)(7)(c) (b)(7)(c) and his chain of command is calling him an opportunist; his work hours has been called into question after an incident where he received (b)(7)(c) complainant had to seek the services of (b)(7)(c) who has since placed him (b)(7)(c) complainant is seeking relief to preserve his (b)(7)(c) career no trouble until now at BRIG-Miramar.

(3) Where did the violation take place (i.e, location, command, etc.)? When did it occur?

Miramar - BRIG, (b)(7)(c)

(4) Are there any witnesses? If so, provide name(s), rank/grade, command/activity, contact information, etc.

(5) Who else have you informed regarding this matter?

(b)(7)(c) - will send in phone number

(6) Have you tried to address this issue within the chain of command or through other means (e.g., Congressional, other IG, etc.)?

a. No - Why not?

b. Yes - Who, When, and What was the response?

(b)(7)(c) a medical provider has since put PO (b)(7)(c)

(7) What would you like the IG to do?

Investigate the situation, hold the members accountable for the mistreatments, and help complainant transfer or relocate to another place where complaint can help his family and preserve his career.

Complaint Taken By: (b)(7)(c)

Date Received: (b)(7)(c)

Referred to: _____

Navy Hotline No. Assigned: (b)(7)(c)

HOTLINE TELEPHONE INTAKE FORM

CALLER STATUS: ☒ Anonymous ☐ Confidential

NATURE OF CALL: ☒ Complaint ☐ Inquiry

Contact Information: Name: _____ Rank: _____

Command (if applicable): _____

Email: _____ Phone: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

(1) Who is/are the subject(s)/ Who Engaged in the Violation/Misconduct (Name, Rank/Grade, Command /Activity, as applicable)?

(b)(7)(c)

(2) What is the alleged wrongdoing or inquiry? What did the subject do or fail to do that constitutes a violation?

Alleged Sexual harassment BRIG MIRRAMAR, complainant is a prisoner and stated he wasn't sure who to talk to nor what he could do.

(3) Where did the violation take place (i.e, location, command, etc.)? When did it occur?

(4) Are there any witnesses? If so, provide name(s), rank/grade, command/activity, contact information, etc.

(5) Who else have you informed regarding this matter?

(6) Have you tried to address this issue within the chain of command or through other means (e.g., Congressional, other IG, etc.)?

a. No - Why not?

b. Yes - Who, When, and What was the response?

(7) What would you like the IG to do?

Complaint Taken By: (b)(7)(c)

Date Received: (b)(7)(c)

Referred to: _____

Navy Hotline No. Assigned: (b)(7)(c)

After the (b)(7)(c) prisoner count I proceeded to the day room to await chow being I wasn't sure the time B-1 was scheduled for chow. (b)(7)(c) approached me and asked me what I was doing. I informed him that I was awaiting chow but was told "NO, you are going to go pack your stuff." I tried to explain my reasoning but was cut off and told "You are not eating, you better stop what you're doing and go pack your shit." Being previously exposed to prior misconduct from him, I asked him if he could step back some therefore I could comfortably stand up without having to worry about wrongful perceptions. He again stated "are you going to pack your shit?" but did not move. After making notes of what had just taken place for reporting and trying to debate the proper course of action I can take while refraining from further problems, I proceeded to my cell to pack but he followed close behind me continuously asking "are you going to pack your shit?" in a taunting manner. As per the Brig rules and prior incidents, I am not allow to react in any way to maltreatment and disrespect such as this. Once I got to my cell and closed my door to protect myself as a barrier between him and I, he put his face in the feed tray and again stated "you going to pack your shit? You have 20 minutes. You are not going to like it if you are not packed."

After gathering my items in my cell I pressed my alarm button to be released from my cell and pack my Items in the cart provided to me. I was not released from my cell but was instead again approached by (b)(7)(c) and told "You better start packing, the clock is ticking." I informed him my cell is locked and asked for a continuation sheet. He walked away from my cell. I waited for my cell door to be unlocked, which is done electronically by the quarter supervisors, but it was

never opened. Again, I pressed the alert button in my cell but was not approached nor was my cell opened. Subsequently I pressed the button again but received the same result.

Approximately 15-minutes later (b)(7)(c) approached my cell and informed me I was not going back to B-1 and am being placed on a ASPI (Admin Segregation Pending Investigation) for disciplinary purposes. After (b)(7)(c) departed from my cell (b)(7)(c) approached my cell and asked if (b)(7)(c) informed me that I was not leaving. I informed the (b)(7)(c) that no one responded to my button nor did anyone unlock my cell therefore I couldn't put my items in the cart which was not in my cell. After hearing this (b)(7)(c) apologized to me and informed me this was a mistake on his part. He stated he had never cleared the system from the first time I pressed my button resulting in all subsequent alerts being muted, and it wasn't until right before he came to my cell did he realize this. I explained that because of his mistake I am being punished and addressed my concern that I am being harassed by the CDO, (b)(7)(c). Immediately after our conversation (b)(7)(c) informed the CDO of what actually happened. (b)(7)(c) again approached my cell and started yelling at me and being disrespectful.

After fulfilling his apparent goal of demeaning me he utilized his keys to unlock my cell but remained in a proximity which would possibly result in him being struck by the cart I was to put my items in if turned around for access. I asked twice if he could please step back some but was told "No" each time. I asked (b)(7)(c) if he could help me and please turn the cart around. While performing

this request, (b)(7)(c) almost hit (b)(7)(c) with the cart. Given (b)(7)(c) prior history with me and his current behavior, this same action would have resulted in me getting in trouble for an attempted staff assault. Luckily my request to (b)(7)(c) was the proper one given the circumstances.

While packing my items in the presence of (b)(7)(c) and (b)(7)(c) I informed them of my concern that I am being harrassed and wrongfully treated by the CDO. I asked is there anyone I could possibly speak to such as an ACDO or duty counselor, but was informed there was no one here I could report to. After the CDO departed I was informed by these two staff members they see what is going on and try to 'bite the bullet' and to try not to let it get to me. Taking their words as proper advice I continued to pack my Items.

When I was almost ^{finished} packing one of these two staff members inquired about the extension cord I normally use for (b)(7)(c). (b)(7)(c) Being I no longer needed the cord and didn't want to be rude by leaving it unwound, I chose to wind it up therefore it could be properly stored by them. While in the process of doing so, (b)(7)(c) (b)(7)(c) again approached me and told I am taking too long and to go in my cell because he is placing me on ASP1.

After going to my cell I asked (b)(7)(c) if I could speak with him. I asked him to help me understand what did I do wrong. He was lost and just as confused as I was. After a brief conversation he reported to the office with the rest of the staff

but quickly returned with about 5 continuation sheets, though I did not ask for them. When he returned he was angry and after our discussion it was clear his anger was directed towards the CDO. I asked him to please help me to understand what did I do wrong to which he stated "Nothing" and [he] had just tried to explain that in the office but the CDO did not care." He informed me that was why he was angry and brought the continuation sheets because I "need" to report this. He went on further to state I was not moving at a slow pace and felt I was properly utilizing my time. After all his admissions I asked him is he aware he has a duty to report prisoner maltreatment. He acknowledged he was aware but no one will care mainly because he is (b)(7)(c), the CDO (b)(7)(c), and we are at a navy brig. I understood this to mean that maybe there is a double-standard here. I explained to him that I understand the rank difference between him and the CDO, but he could have stopped the maltreatment and that one day he will be an (b)(7)(c) and should not get in the habit of allowing incidents to take place. Finally, I explained to him that I intend to restate everything stated between us and I hope he doesn't fear whistleblowing to which he acknowledged and stated the reporting would be more credible coming from him but as of now no matter what he tells (b)(7)(c), at the end of the day (b)(7)(c) is going to do what he wants to do.

Afterwards, I spoke with (b)(7)(c) not as in-depth as with (b)(7)(c). Unilaterally he also admitted I did nothing wrong, there was no better way to handle the situation, he did not feel I was moving too slow, and agreed I suffered maltreatment. Just like with (b)(7)(c) I asked if he is aware he has a duty

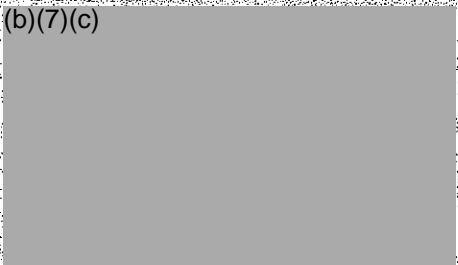
to report, to which he acknowledged. Finally, as with (b)(7)(c) I informed (b)(7)(c) my intent to restate our conversation and hopes that he will do what is right.

I have been confined for over (b)(7)(c) and never have I witnessed another prisoner go through an incident such as this. No prisoner has ever been given a '20-minute pack window or you are being placed on ASPI' ultimatum. No where in the brig's rules and regulations, SECNAVINST, or BUPERSINST does it state or authorize this behavior. In fact all three prohibit the behavior of (b)(7)(c). Furthermore, technically I am a (b)(7)(c) prisoner in the process of (b)(7)(c). I have multiple restrictions due to this factor such as (b)(7)(c) (b)(7)(c) multiple others. To place such an extreme burden on me (b)(7)(c) Especially when this burden is isolated to only me, a prisoner (b)(7)(c) (b)(7)(c)

(b)(7)(c) has shown a pattern of misconduct towards me which has been recognized by fellow staff members, along with Prisoner (b)(7)(c). I respectfully request that these matters are fully investigated by an individual from outside of this command especially in light of (b)(7)(c) statements to me. Furthermore I request that I am informed of all actions taken to include but not limited to investigation initiation and result. I filed an IG complaint in (b)(7)(c) on matters which were taking place here at the brig, but was not informed of the outcome after the investigation.

Thank you for your help with resolving this matter
with me.

(b)(7)(c)



(b)(7)(c)

From: (b)(7)(c)
Sent: (b)(7)(c)
To: Bupers_IG_Hotline
Subject: [Non-DoD Source: (b)(7)(c) causing harm and discontent by engaging in rumors.

Today at about 1000 hours (b)(7)(c) walked around the brig loudly stating that (b)(7)(c) who is a female that works (b)(7)(c) is a snitch!!!! What exactly she snitched about seem he didn't know all the details himself. I am notifying you that it is pretty obvious the leadership at the command sucks and having people like (b)(7)(c) make such accusations or continue to spread misinformation is unprofessional and childish. I don't personally know (b)(7)(c) but she has assisted me in the past with (b)(7)(c) as well. I am no longer loyal to the (b)(7)(c) since those in leadership position like to turn a blind eye and treat us like trash. The plan for us to move is not taking action fast enough.

He should not throw stones at people, falsely accusing them when he lives in a glass house. It is time his little dirty laundry gets aired out.

(b)(7)(c) has engaged in sexual intercourse with (b)(7)(c) in multiple occasions and has purchased items for her. (b)(7)(c) works in the (b)(7)(c) and always gives him information in advance. Due to the unduly familiar relationship between the two an audit should be done on both him and (b)(7)(c). In the past he was also involved in another extramarital affair with (b)(7)(c).

He should be removed from the command immediately since he is one of the persons who just runs his mouth instead of doing what he is getting paid to do. Instead of involving himself in trash talk, he should concern himself with why his receive and release department is trash and can't complete simple tasks. He should concern himself with taking care of (b)(7)(c) since most of the (b)(7)(c) rather get out than tolerate working with him.

Also it's unprofessional for (b)(7)(c) to tolerate this type of behavior that will cause retaliation against a member. The whole brig already know only cares about her personal feelings and promotes nothing but favoritism and laziness. The topic of her meetings lately is (b)(7)(c).

I think it's time the admiral come pay a visit and regain control of the command.

(b)(7)(c) and those like (b)(7)(c) need to go.

HOTLINE TELEPHONE INTAKE FORM

CALLER STATUS: ☐ Anonymous ☐ Confidential

NATURE OF CALL: ☒ Complaint ☐ Inquiry

Contact Information: Name: (b)(7)(c) Rank: (b)(7)(c)

Command (if applicable): Navy Marine Corp BRIG Miramar

Email: Phone: (b)(7)(c)

Mailing Address:

City: State: (b)(7)(c) Zip Code:

(1) Who is/are the subject(s)/ Who Engaged in the Violation/Misconduct (Name, Rank/Grade, Command /Activity, as applicable)?

(2) What is the alleged wrongdoing or inquiry? What did the subject do or fail to do that constitutes a violation?

Alleged abuse of authority, for refusal to be removed from the victim witness program, complainant states that he complied with the rules given, spoke with the CO twice and the victim witness office 3 times, followed all steps necessary be removed from the list and is being denied removal, complainant believes it's personal biases and no legal reason for the denial, has been ongoing for two months, not following procedures to be removed from the victim witness list.

(3) Where did the violation take place (i.e, location, command, etc.)? When did it occur?

BRIG Miramar

(4) Are there any witnesses? If so, provide name(s), rank/grade, command/activity, contact information, etc.

(5) Who else have you informed regarding this matter?

(6) Have you tried to address this issue within the chain of command or through other means (e.g., Congressional, other IG, etc.)?

a. No - Why not?

b. Yes - Who, When, and What was the response?

(7) What would you like the IG to do?

Complaint Taken By: (b)(7)(c)

Date Received: (b)(7)(c)

Referred to:

Navy Hotline No. Assigned: (b)(7)(c)

(b)(7)(c)

From: (b)(7)(c)
To: Inspector General for the Office of Chief of Naval Personnel
Inspector General for Command, Navy Installation Command
(b)(7)(c)

Subj: FORMAL COMPLAINT AGAINST NAVAL CONSOLIDATED BRIG MIRAMAR (NCBM)

1. I do not wish to remain anonymous.
2. I do not desire confidentiality.
3. I request to be interviewed.
4. Overview of complaints:
 - a. Harassment.
 - b. Unlawful attempt to collect DNA.
 - c. Coercion attempt to participate in (b)(7)(c) hearing.
 - d. Withholding of mail for 34 days.
 - e. Refusal to recuse from Clemency Review.

5. Complaint Details:

a. Harassment.

(1) Between (b)(7)(c) and (b)(7)(c) made eleven (11) aggressive attempts to coerce me into signing a NAVPERS 1910/31 (Administrative Separation document). My Pre-Trial Agreement (PTA) state the punitive discharge is suspended, moreover, the PTA is absent of a waiver clause for an ADSEP board. I was informed by a military JAG and civilian attorney not to sign the document because a board cannot be conducted past my EAOS and a characterization of Other-Than-Honorable (OTH) cannot be given without a board.

(2) On (b)(7)(c) attempted to coerce me into signing NAVPERS 1910/31; I refused. On (b)(7)(c) denigrated and demeaned me in front of 30-40 prisoners and three (3) NCBM staff for refusing to sign NAVPERS 1910/31. Her actions violated SECNAVINST 1640.9C, section 3402, paragraph 1a and 1i (page 3-17 to 3-18), and section 3404, paragraph 1 (page 3-18 to 3-19). I submitted a complaint to Naval Inspector General on (b)(7)(c). BUPERS IG allowed (b)(7)(c) to conduct the inquiry despite being named as the primary aggressor in the harassment complaint.

b. Unlawful attempt to collect DNA.

(1) On (b)(7)(c) coordinated an unlawful attempt to collect my DNA. He escorted an unknown man into NCBM facility and subsequently attempted to collect my DNA. The Inquiry Report (from (b)(7)(c)) referred to the unknown man as a "nurse" yet there is no name, credentials or place of employment stated in the report; however, she listed the names of other NCBM staff related to my complaint. Furthermore, (in the Inquiry Report), (b)(7)(c) stated, (b)(7)(c) facilitated a court order from the state of (b)(7)(c)

Note 1: There are 5 to 6 military medical staff assigned to the brig...why would a civilian nurse need to collect DNA?

Note 2: "court order from the state of (b)(7)(c) his is an absolute lie: none of the 50 states (to include District of Columbia) have a court order pertaining to me.

(2) (b)(7)(c) were present when (b)(7)(c) escorted the "nurse" into the Brig.

c. Coercion attempt to participate in (b)(7)(c) hearing. On (b)(7)(c) (b)(7)(c) attempted to coerce me into allowing (b)(7)(c) (b)(7)(c) to represent me in a case related to (b)(7)(c) (b)(7)(c) I refused because there was no conclusive DNA exam.

Note 3: This incident took place after (b)(7)(c) and "the nurse" failed to collect my DNA?

Note 4: In the Inquiry Report (b)(7)(c) neglected to address my complaint related to (b)(7)(c)

d. Withholding of mail for 34 days.

(1) (b)(7)(c) withheld my mail for 34 days. Her actions violated SECNAVINST 1640.9C, page 8-27, section 8301, paragraph 5c3. In the Inquiry Report, (b)(7)(c) (b)(7)(c) created a false and misleading timeline which equated to 23 days vice 34 days. Her efforts aimed to minimize and discount my complaint.

(2) Naval Inspector General was informed about my three (3) complaints related to harassment, unlawful attempt to collect DNA and withholding of mail. I was never interviewed about my complaints. Furthermore, the BUPERS IG Final Report (by (b)(7)(c) stated my complaint was "not substantiated" which mirrored the Inquiry Report submitted by (b)(7)(c) Reminder, (b)(7)(c) was the primary aggressor in the harassment complaint. Subsequently, I submitted a complaint to Department of Defense Office of Inspector General (DoD OIG) (b)(7)(c) in (b)(7)(c) DoD OIG referred the case to Navy IG in (b)(7)(c)

e. Refusal to recuse from Clemency Review. Prior to my Clemency Disposition Board at NCBM, I requested (b)(7)(c) at the time of request) and (b)(7)(c) (b)(7)(c) recuse themselves from my clemency process due to a pending Inspector General complaints. (b)(7)(c) affirmed but (b)(7)(c) refused to recuse herself. The mere fact that she refused to recuse herself from my clemency process gives support to the notion that her unfavorable recommendation is retaliation for my Inspector General complaints against her and other NCBM Staff. Ultimately, her involvement gravely prevented me from receiving an impartial clemency review with Naval Clemency and Parole Board (NC&PB). I submitted an addendum to my complaint to DoD OIG on (b)(7)(c)

Note 5: I submitted my addendum to DoD OIG prior to knowing the case was referred to Navy IG.

6. Closing. My primary goal since arriving at NCBM is to serve my sentence and follow the rules. From (b)(7)(c) (b)(7)(c) I have no Disciplinary Reports (DR) and received positive marks on work evaluations and room inspections. IRT paragraphs 5a to 5c, NCBM staff is unequivocally guilty. I'm requesting NCBM staff be directed to cease all harassment, DNA request and withholding of mail. In addition, I'm requesting 18 months reduction in confinement due to actions listed in paragraphs 5a to 5c, which include not having the opportunity to receive an impartial clemency review in (b)(7)(c). Thank you for your time and review.

7. Mailing Information. Please mail questions or concerns, and final report to the address below.

(b)(7)(c)

(b)(7)(c)

Copy to:

Inspector General for the Office of Chief of Naval Personnel

Inspector General for Command, Navy Installation Command

(b)(7)(c)

(b)(7)(c) (authorized liaison)

From: (b)(7)(c)
To: Supers IG Hotline
Subject: [Non-DoD Source] IG complaint regarding bullying conduct of Miramar Brig Commanding Officer
Date: (b)(7)(c)

To whom it may concern:

On Thursday afternoon I was walking up to the admin office at Naval Consolidated Brig Miramar. As I passed by the front desk I could hear both Commanding Officer, (b)(7)(c) yelling rudely at someone in the Commanding Officer's office, and I continued walking to the main admin office, the Executive Officer's door was open and he was facing the commanding officer's door and had a big grin on his face. As if he were happy of what was happening in the commanding officer's office.

When I walked in to the admin office, there was (b)(7)(c). (b)(7)(c) They were all laughing and I asked what was going on. (b)(7)(c) said an ass chewing is what is happening. I asked of who and (b)(7)(c) said for (b)(7)(c). I was in disbelief because (b)(7)(c) is always helping others and when she is absent (b)(7)(c) looks lost or does not handle things like (b)(7)(c) would.

I asked but why what did she do? (b)(7)(c) said that she had been talking about both of them to others in the facility, which again is hard for me to believe because (b)(7)(c) is respected through out the brig. I asked what did she say and they both just said (b)(7)(c) had talked about their evals. Again I find it hard to believe because (b)(7)(c) should have received an EP cause there is not anything she doesn't do at the brig. They both told me (b)(7)(c) had received a P and a low P. I said wow that is crazy she has done so much. I asked what did they both get and they said EP. In my head I thought of course because they both are always talking and talking and it is known how familiar they are with the CO. (b)(7)(c) said "well maybe if she didn't walk around here like she owns the place then maybe the CO wouldn't hate her so much and she would have got an end of tour award"

I stood there for a bit and we all listened to what was happening, we could hear everything because the XO's door was open. As I was about to walk out I could hear (b)(7)(c) saying, "I will charge you with disrespect and had this happened sooner we would be at a podium and some else will be recording this conversation, and fuck you!! " and then a thud. We all just looked at each other. He then came out and was red in the face and water jug was all bent.

The CO's door was open and I could hear her telling (b)(7)(c) if she ever need a letter of recommendation she would give her one and that she does not offer that to everyone.

I am making this complaint because as the day was ending, (b)(7)(c) kept telling people who would walk by. Yesterday (b)(7)(c) and they both couldn't stop telling us about it. I was there for half of what going on with (b)(7)(c) but (b)(7)(c) was now exaggerating the facts (b)(7)(c) also said "fuck that bitch" he was talking about (b)(7)(c). I asked him why and he said that she thought she was better than everyone else. I said wow, thought you were cool with her!. He said he was now cool with (b)(7)(c). This is just not right, and then it was mentioned that (b)(7)(c) was SIQ but the CO did not care that she was sick and on medication that would impair her driving and made her come in anyway.

This is terrible and for people to brag about this kind of things happening to a good person like (b)(7)(c). It is messed up. Very messed up. I never heard that girl speak ill of anyone and the only time I would see her talk were the times she would tell the prisoner to stop talking while in movement.

I chose to go this route because, and to keep myself anonymous because (b)(7)(c) told me they removed her from the command because she filled an IG complaint. Which is insane to me. Obviously if people thought this route is to keep themselves protected.

Sincerely,

A concerned brig worker.

From: (b)(7)(c)
To: Bupers IG Hotline; CNRP IG; CNRSW hotline
Subject: [Non-DoD Source] Reporting (b)(7)(c) for Malingering and fraternization
Date: (b)(7)(c)

Offices of the IG,

I am a current (b)(7)(c) in the Navy and I am stationed at Naval Consolidated Brig Miramar. The reason I am sending this complaint to your office is because no one in my command could give me a direct answer as to who would our complaints to. My shipmates and myself have become concerned about the command climate at the Brig. Our current Commanding Officer, (b)(7)(c) has truly shown and continues to display that she could care less about how hard people work because she displays favoritism all the time. The biggest and outstanding favoritism the CO displays is towards (b)(7)(c)

Since I've been at the brig (b)(7)(c) name is always in some mess and the triad and her direct chain of command has chosen to turn the blind. It has become so bad that now myself and other (b)(7)(c) see that for some reason she has a leverage on them. (b)(7)(c) does not conduct herself as (b)(7)(c) should. (b)(7)(c) as the (b)(7)(c) for her department has been living with junior Sailors from her department. The first time and case being with (b)(7)(c) would go to work drunk and late and (b)(7)(c) would cover up for him. (b)(7)(c) transferred in (b)(7)(c) A couple of months after he transferred, (b)(7)(c) and soon after she moved and asked (b)(7)(c) to move in with her and be her roommates. Both (b)(7)(c) work in (b)(7)(c) (b)(7)(c) in which (b)(7)(c) is the LPO of. Now, I have read the Navy's Fraternization OPNAVINST 5370.2D. In it I read in the discussion part that, while the existence of a direct senior-subordinate supervisory relationship is not a prerequisite for a relationship between juniors and seniors to constitute fraternization, the fact that individuals are in the same chain of command increases the likelihood that an unduly familiar relationship between senior and junior officers, or between senior and junior enlisted members, will result in prejudice to good order and discipline or discredit to the naval service. Also to add that (b)(7)(c) has and continues to show how she is has knowledge of her prohibited relationship with her two subordinates. This is all public knowledge and everyone, meaning staff and prisoners have knowledge of this. I found out of this by (b)(7)(c) own mouth. She was talking about her roommates and getting drunk with them and going out, forgetting to wake them up sometimes, which led to both the (b)(7)(c) to be late for work on various times. I asked (b)(7)(c) why did she feel that it was okay for her to broadcast the fraternization she committing and that because she is (b)(7)(c) she shouldn't conduct herself like that (b)(7)(c) response was that (b)(7)(c) CMC, XO and CO already new and they all did not care. Do the Navy regulations not apply to brig staff? I just do not get it and many other of the staff member and (b)(7)(c) do not understand. But since this has been going on for many years, I guess people just turn the blind eye. But I promise if me a male in leadership position were to do something like that I would be removed from the command immediately.

Second complaint against (b)(7)(c) is that she is plain flat out malingering!!! This past weekend I went to (b)(7)(c) a club in (b)(7)(c), and (b)(7)(c) two roommates were there as well. The reason I am writing about it is because (b)(7)(c) claims she has (b)(7)(c), which again this is public knowledge because she has told everyone at the brig that is her condition. Someone independent from the command should come see her and how she (b)(7)(c) to walk through out the brig. (b)(7)(c) has even gone far enough to get a special parking spot sticker in the (b)(7)(c) and above parking. How do I know? Well we all know. (b)(7)(c) told me and another (b)(7)(c) that she had gone to medical and asked them to please give her a LLD chit saying she could not walk more than 8 minutes. She then went straight to the CO and asked if she could park on top (b)(7)(c). The command CMC after giving her the sticker to park on top, asked her to route a special request chit so he can cover himself for giving her a parking sticker. It was a group of us who she told this too. Because of (b)(7)(c) response to me questioning her about the fraternization she is committing, I

just didn't even ask questions. Back to the facts of being at (b)(7)(c) this weekend, well it blows my mind that (b)(7)(c) comes to work late due to day care "opening late " which is also false because my friends' son goes to the same daycare lady and she is able to drop off her child at 6 am. (b)(7)(c) acts like she (b)(7)(c) and if someone were to come down and watch her you would be able to see that she is not injured and is trying to play the system. How is it that she (b)(7)(c) to work but this weekend she was on the dance floor dancing at (b)(7)(c) and was even on the bartop, dancing and pouring drinks to to people at the bar from the bar top. (b)(7)(c) She got on that bartop with no assistance and walked from one end to the other with no assistance. If that is not malingering right there, then something is absolutely y wrong with our system. Also (b)(7)(c) complaint regarding fraud, waste, mismanagement, or reprisal

From: (b)(7)(c)
To: (b)(7)(c)
Cc: (b)(7)(c)
Subject: [Non-DoD Source] URGENT: Harrassment Complaint on Behalf of (b)(7)(c)
Date: (b)(7)(c)

This is to notify each of you that I am filling a harassment complaint on behalf of my son (b)(7)(c)

Complaint: The Briggs is trying to force (b)(7)(c) to sign a ADSEP document.

Supporting Information:

1. EAOS was (b)(7)(c)
2. (b)(7)(c) was extended for 6 months for (b)(7)(c) purposes (the new EAOS was (b)(7)(c))
3. The (b)(7)(c)
4. (b)(7)(c) received a suspended punitive discharge with no claus to waive an ADSEP Board for an OTH.
5. The convening authority final was completed (b)(7)(c)
6. (b)(7)(c) arrived at NCBM on (b)(7)(c)
7. From (b)(7)(c) the Briggs staff (specifically (b)(7)(c) and the executive officer (b)(7)(c) attempted to pressure (b)(7)(c) to sign the ADSEP Board processing paperwork.
8. (b)(7)(c) was informed by a civilian attorney and a Military JAG that they can not do a ADSEP board pass his EAOS. They also informed him that the Brigg can not give a OTH without a Board

(and there is no claus in the PTA to waive for a OTH). Both attorneys advised (b)(7)(c) not to sign any documents.

9. The persistent and aggressive request ceased at the end of (b)(7)(c)
10. On (b)(7)(c) and the executive officer (b)(7)(c) commenced their aggressive attempt to have (b)(7)(c)

sign the ADSEP document. (b)(7)(c) refused to sign the document due to the information provided him by a civilian attorney and a Military JAG as stated in #8.

11. A two star Admiral approved the pretrial agreement, but (b)(7)(c) was told on several occasions that certain paragraphs in the pretrial agreement was invalid by (b)(7)(c)
12. (b)(7)(c) defense attorney told him that (b)(7)(c) information was incorrect. (Attorney (b)(7)(c) (b)(7)(c) requested to speak the Briggs lawyers but (b)(7)(c) denied the request.

13. In a different harassment situation, on (b)(7)(c) brought an individual into the Briggs to extract DNA from (b)(7)(c) asked them if the process was legal and the individual replied no. (b)(7)(c) refused to allow a DNA extraction. The individual then asked (b)(7)(c) to sign a document and he refused to sign the document.

We are asking that all harassment cease.

Sincerely,

(b)(7)(c)

HOTLINE TELEPHONE INTAKE FORM

CALLER STATUS: ☐ Anonymous ☐ Confidential

NATURE OF CALL: ☒ Complaint ☐ Inquiry

Contact Information: Name: (b)(7)(c) Rank: (b)(7)(c)

Command (if applicable):

Email: Phone:

Mailing Address:

City: State: Zip Code:

(1) Who is/are the subject(s)/ Who Engaged in the Violation/Misconduct (Name, Rank/Grade, Command /Activity, as applicable)?

(b)(7)(c)

(2) What is the alleged wrongdoing or inquiry? What did the subject do or fail to do that constitutes a violation?

Alleged abuse of authority, complainant states he has been confined for (b)(7)(c) at MIRAMAR in pretrial confinement, has not been to any of his medical appointments, missed 27 medical appointments to include mental health, and physical therapy for a (b)(7)(c) has asked his command several times a week within the six weeks to take him to his appointments and they have refused his request every single time, he believes it is an abuse of power and knows they are responsible to take him because of his pretrial status.

(3) Where did the violation take place (i.e, location, command, etc.)? When did it occur?

NAVCONBRIG MIRAMAR

(4) Are there any witnesses? If so, provide name(s), rank/grade, command/activity, contact information, etc.

(5) Who else have you informed regarding this matter?

(b)(7)(c)

(b)(7)(c) his sister who has Power of Attorney - (b)(7)(c)

(6) Have you tried to address this issue within the chain of command or through other means (e.g., Congressional, other IG, etc.)?

a. No - Why not?

b. Yes - Who, When, and What was the response?

(7) What would you like the IG to do?

Complaint Taken By: (b)(7)(c)

Date Received: (b)(7)(c)

Referred to:

Navy Hotline No. Assigned: (b)(7)(c)

MEMORANDUM

(b)(7)(c)

From: (b)(7)(c)

To: IG: Bureau of Naval Personnel
5720 Integrity Drive
Building 453, Room 209
Millington, TN 38055-0000

Subject: IG Complaint Against Naval Consolidated Brig Miramar, Parole and Release Department

I request an investigation to be conducted on the staff of Naval Consolidated Brig Miramar, San Diego, California (NCBM), particularly related to the Parole and Release Department and their mishandling of paperwork related to prisoner release. This is due to clear and willful violations against DoDI 1325.07.

Multiple prisoners, including myself, have submitted addresses for parole or Mandatory Supervised Release (MSR) months prior to our actual release. This is in accordance with the guidelines provided by NCBM and DoDI 1325.07, which both state that a prisoner must provide an acceptable address, and/or release plan, prior to their Minimum Release Date (MRD). In my case, I submitted an address on (b)(7)(c) with my release date scheduled for (b)(7)(c) three months prior to the projected MRD.

I possess a DD 510 chit that validates my assertion; the DD 510 (Tracking Number B1-2916) signed by a member of the Parole and Release Department with the comment "*address sent to USPO*" (b)(7)(c) I was notified on (b)(7)(c) that I was to have a "Fault Board" that would determine if I was at fault for my address not being approved. This is due to the fact that the Parole and Release Department did not follow up on contacting my Parole Officer, as outlined in DoDI 1325.07, page 33, paragraph 20.b.(6): "*If the USPO has not approved the supervision plan 30 days before prisoner's projected MRD, the MCF commander or designated representative shall notify the respective Military Department C&PB, which shall work with the USPO to resolve any problems.*" This was not done.

Seven days prior to my projected MRD, the Parole and Release Department notified me that my Parole Officer had not been notified, and had not approved my address. In the same paragraph of DoDI 1325.07, subsection (b), it states that "*the Military Department C&PB shall determine, no later than 10 days before the prisoner's projected MRD, whether the failure to provide an acceptable plan was willful or otherwise at the fault of the prisoner.*" At the time of typing this letter, I am scheduled to have a "Fault Board" on (b)(7)(c) which is a mere three (3) days prior to my projected MRD, which is also in direct violation of the DoDI.

Furthermore, the same instruction states in the same paragraph, subsection (a): "*If due to the sole fault of the MCF staff, the Military Department C&PB, or the USPO, a supervision plan has not been reviewed or a prisoner is unable to provide an acceptable supervision plan to either the Military Department C&PB or the USPO, the prisoner shall not be held past the prisoner's projected MRD.*"

MEMORANDUM

(b)(7)(c)

The NCBM has done this to many prisoners, holding them past their MRD. The Commanding Officer, (b)(7)(c) told Post Trial Prisoner (PTP) (b)(7)(c) that it is within her power to hold prisoners past their MRD, without any reason or explanation.

In my case, I submitted an address and the Parole and Release Department failed to follow through with my USPO, which now means they are threatening to take away all of my Earned Time (ET) and Good-Conduct Time (GCT). This is in direct violation of the DoDI, which states that the only reason ET or GCT can be taken away, in this situation, is if the prisoner is found *willfully or negligently* at fault for the lack of approved plan or address.

At this time an appointment to call the address on Monday, (b)(7)(c) to verify and inform them of my release had already been scheduled with my Unit Manager. This is due to the fact that the address that I am to release to is a Halfway House that needs verification so that they can provide proper bedding for me. I fully intend to follow through with this phone call, as I have done everything in my power to provide address and proper plans for my release. In sum, staff inattention and incompetence to process our paperwork result in extended incarceration, infringing on our freedom and causing undue expense to the government.

Again, I respectfully request an immediate investigation into NCBM's Parole and Release Department's handling of prisoner release paperwork and how "fault" is determined when errors in the process occur because the facts demonstrate that the NCBM leadership is in repeated, blatant violation of DoDI 1325.07.

(b)(7)(c)

HOTLINE TELEPHONE INTAKE FORM

CALLER STATUS: ☐ Anonymous ☐ Confidential

NATURE OF CALL: ☒ Complaint ☐ Inquiry

Contact Information: Name: (b)(7)(c) Rank: _____

Command (if applicable): NAVCONBRIG

Email: (b)(7)(c) Phone: (b)(7)(c)

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

(1) Who is/are the subject(s)/ Who Engaged in the Violation/Misconduct (Name, Rank/Grade, Command /Activity, as applicable)?

(b)(7)(c)

(2) What is the alleged wrongdoing or inquiry? What did the subject do or fail to do that constitutes a violation?

Alleged hostile work environment, subject refuses to allow BUPERS to conduct mediation to resolve the issue to make a less hostile work environment, complainant states that the XO will handle it in house, complainant has tried on the lowest level to resolve the issue, complainant was advised to file an IG complaint.

(3) Where did the violation take place (i.e, location, command, etc.)? When did it occur?

(4) Are there any witnesses? If so, provide name(s), rank/grade, command/activity, contact information, etc.

(5) Who else have you informed regarding this matter?

(6) Have you tried to address this issue within the chain of command or through other means (e.g., Congressional, other IG, etc.)?

a. No - Why not?

b. Yes - Who, When, and What was the response?

(7) What would you like the IG to do?

Complainant has already spoken/met with (b)(7)(c) (b)(7)(c)
NAVCONBRIG Miramar. Complainant would like to be emailed, did not provide physical mailing address during the phone conversation.

Complaint Taken By: (b)(7)(c)

Date Received: (b)(7)(c)

Referred to: (b)(7)(c)

Navy Hotline No. Assigned: (b)(7)(c)

HOTLINE TELEPHONE INTAKE FORM

CALLER STATUS: ☒ Anonymous ☐ Confidential

NATURE OF CALL: ☐ Complaint ☐ Inquiry

Contact Information: Name: _____ Rank: _____
Command (if applicable): _____
Email: _____ Phone: _____
Mailing Address: _____
City: _____ State: _____ Zip Code: _____

(1) Who is/are the subject(s)/ Who Engaged in the Violation/Misconduct (Name, Rank/Grade, Command /Activity, as applicable)?

XO NAVCONBRIG MIRAMAR

(2) What is the alleged wrongdoing or inquiry? What did the subject do or fail to do that constitutes a violation?

Alleged violation of Ethical Standards and Abuse of Authority, prisoner complained that the XO abused his authority by ordering the CDO and other security staff members to turn off the TV, also stated that it was unethical to have approximately 40 prisoners subjected to the toxic fumes emitted from a dorm that had not used for several years with feces in the toilets.

(3) Where did the violation take place (i.e, location, command, etc.)? When did it occur?

NAVCONBRIG MIRAMAR

(4) Are there any witnesses? If so, provide name(s), rank/grade, command/activity, contact information, etc.

(5) Who else have you informed regarding this matter?

(6) Have you tried to address this issue within the chain of command or through other means (e.g., Congressional, other IG, etc.)?

a. No - Why not?

b. Yes - Who, When, and What was the response?

(7) What would you like the IG to do?

Complaint Taken By: (b)(7)(c)

Date Received: (b)(7)(c)

Referred to: (b)(7)(c)

Navy Hotline No. Assigned: (b)(7)(c)

(b)(7)(c)

From: (b)(7)(c)

To: Office of Naval Inspector General
ATTN: Navy Hotline
Building 172
1254 Ninth Street, S.E.
Washington Navy Yard, DC 20374-5006

Subj: Equal Opportunity (EO) Rights Violation

1. This is to inform you that my Equal Opportunity rights have been violated by Naval Consolidated Brig Miramar's (NCBM) Executive Officer, (b)(7)(c) and, since she was acting in his capacity, The Commanding Officer, (b)(7)(c). Within this memorandum, I will describe how I filed a formal EO complaint against NCBM which leadership failed to take seriously by not initiating an investigation.
2. ON (b)(7)(c), I submitted a DD Form 510, *Prisoner Request Chit* to the facility's EO representative (b)(7)(c). The complaint outlined the concerns I had with the facility moving prisoners to different housing units. I perceived I was the victim of unlawful discrimination based on my sexual orientation, which is homosexual. This perceived discrimination was felt due to these moves resulting in all of the openly homosexual male prisoners being housed in the same unit.
3. The complaint was not submitted using NAVPERS 5354/2, the prescribed method outlined in Navy Regulation OPNAVINST 5354.1F Navy Equal Opportunity Policy, because according to the NCBM *Rules and Regulations* booklet, dated August 2013, Article 608b says, "The Request Chit is the prisoner's means of contacting the Commanding Officer or anyone else in the prisoner Chain of Command with major concerns, complaints, or exceptional comments." Prisoners are also told that all communications between prisoners and staff outside the housing unit is to be done via a chit. Additionally, after consulting my case manager/counselor about my concerns, I did not feel there would be any resolution. As a result, I submitted the chit to the EO representative. The complaint was against Naval Consolidated Brig Miramar and in essence the Commanding Officer. According to OPNAVINST 5354.1F Enclosure 5 Section 3d(1): **The investigation must commence within 72 hours of complaint submission. The investigating officer should be senior to the complainant and the alleged offender. The complainant will be notified by the investigating officer that the investigation has begun and will acknowledge this notification on the original NAVPERS 5354/2 or by memorandum for the record.** I was never notified that an investigation had begun nor was the close-out message completed within 20

days.

4. I received a response to the complaint on (b)(7)(c) in the form of (b)(7)(c) acting in the capacity of (b)(7)(c) requesting to speak to me in the visitation area known as "Guard Mount." This was a joint meeting with (b)(7)(c) another homosexual prisoner who had submitted his own complaint for the same concerns. During this meeting, (b)(7)(c) blatantly lied to us about many points we had brought up in our complaints and also minimized them as misinformation. The details may be found in the breakdown of the discussion attached to this memorandum.
5. At the conclusion of the meeting, (b)(7)(c) drew attention to the document (b)(7)(c) held in her hand and inquired whether it was the investigation report. She answered in the affirmative. He asked if we were allowed to have a copy of it. She said we were not because it contained names of staff members and also certain standard operating procedures which are not releasable to prisoners. He then inquired if we were allowed to have a redacted copy. Again, she answered no. This is a violation of OPNAVINST 5354.1F, Enclosure 5, Section 5d(5) which states: **When requested by the complainant and/or accused, the command should provide a redacted copy of the investigation officer's final report (per Privacy Act of 1974 and other applicable laws and regulations).**
6. Upon returning to my housing unit, I submitted another chit, addressed directly to (b)(7)(c) requesting a redacted copy of the investigation report. The response came back on (b)(7)(c) stating: "There was no E.O. Investigation conducted. I answered the questions on your original DD510 in writing and in person." This is in direct violation of OPNAVINST 5354.1F, Enclosure 5 *Navy Guidelines for Submitting, Handling, and Reporting Equal Opportunity (EO)/ Sexual Harassment (SH) Complaints*.
7. (b)(7)(c) acting on the behalf of (b)(7)(c) has not followed the proper protocol for handling and resolving Equal Opportunity Complaints in accordance with OPNAVINST 5354.1F. (b)(7)(c) was threatened by (b)(7)(c) and (b)(7)(c) that if he continued to push forward with our complaint then she would write us a disciplinary report on staff harassment. I talked with (b)(7)(c) about this and she confirmed that we would be written up and disciplined if we continued with our complaint.
8. Since this complaint was not taken seriously, I have been forced to call into question whether the military truly protects the few remaining rights prisoners retain while in its correctional facilities. At first, I felt I was being targeted because of my sexual orientation. Now, I also feel as though my dignity as a human being has been attacked simply because of my status as a military prisoner. I have been extremely reluctant to write this complaint as I fear some sort of reprisal or unwarranted disciplinary action will be taken toward me for doing so.
9. Due to the events I have explained, I respectfully request your assistance in this matter. With your assistance, my hope is to gain those answers and move on with my period of confinement. If there is anything I can do to help you in meeting my request, please let me know. Thank you for your time.

Breakdown of Discussion with (b)(7)(c)

DOCUMENTATION OF SEXUAL ORIENTATION: (b)(7)(c) claimed at the onset of the meeting that she had no idea we are gay and claimed our sexual orientation is not documented anywhere in this facility. (b)(7)(c) who was also at the meeting explained that contrary to her belief, that upon his intake on (b)(7)(c) and (b)(7)(c) asked, "Do you perceive yourself to be gay, straight, bisexual, or transgender?" She said staff are not allowed to ask that question during intake. He politely said that he must not be doing his job correctly because he was asked. After a couple rounds of "NO, he didn't," "Yes, he did" she asked him to name who it was. When he did she immediately denied it saying, "Oh no! He's one of my go-to guys. I know he wouldn't do that." I was also asked this same question on (b)(7)(c) during my intake process to the brig.

She asked (b)(7)(c) who is in no way connected to this complaint, if that information is asked in Receiving and Release during intake. (b)(7)(c) explained she knows they ask about medical history and offenses but did not think they asked about sexual orientation. (b)(7)(c) then went into an office, came back a few minutes later and told (b)(7)(c) that it is, indeed, a question asked during intake. (b)(7)(c) said she would like to see a copy of the questionnaire. When (b)(7)(c) returned with the form, she pointed it out as question #9. (b)(7)(c) stated that she was not aware that prisoners were filling out this form and that it was antiquated.

TREATMENT DORMS: When word first got out prisoners would be moving to different dorms, it came from prisoners who are already in treatment or are in maintenance. The information came from their individual counselors. There are three male dorms and the counselors explained the dorms would be filled based on the following criteria:

B-1: Non-Treatment form

- Non-Sex Offenders
- Sex offenders who do not qualify for treatment
- Sex offenders who do not have sufficient time to complete treatment
- Sex offenders who have refused treatment.

B-4 and B-5: Treatment Dorms

- Sex offenders awaiting Treatment
- Sex offenders currently in treatment
- Sex offenders who have completed treatment and are in maintenance.

(b)(7)(c) were moved from (b)(7)(c) on (b)(7)(c). According to the above criteria, (b)(7)(c) should have been moved to (b)(7)(c). (b)(7)(c) Additionally, (b)(7)(c) who were already in (b)(7)(c). (b)(7)(c). Instead, both have remained in (b)(7)(c).

(b)(7)(c) claimed the moves were motivated by (b)(7)(c) the Sex Offender Treatment Program. Additionally, she said Clinical Services only provided minimal input to who would go to what dorm but that nay claims that B-4 and B-5 are treatment dorms is misinformation and is completely false.

Her firm stance is that there are no treatment dorms in the NCBM facility. However, (b)(7)(c) and several other prisoners were told by the Sex Offender Treatment Program Director, and two other counselors that Clinical Services' intention was to make B-4 and B-5 treatment dorms. (b)(7)(c) was also told by the Clinical Services Department Head, that by making B-4 and B-5 treatment dorms, it would help get more people into treatment.

(b)(7)(c) brought (b)(7)(c) statement to the attention of his counselor at treatment group meeting. The counselor stated she is technically correct. He explained when B-3 was closed earlier in 2016, there was not enough room to house all of its prisoners meeting B-1 criteria in B-1. As a result, B-4 and B-5 do, in fact, house some prisoners meeting B-1 criteria. However, he stressed that it is still Clinical Services' intention and desire that B-4 and B-5 become completely for those who will be going into treatment.

TREATMENT REFUSERS: In addition to the above, (b)(7)(c) made a bold claim that there are no treatment refuser in this facility. We informed her that we could name several. When we named one she immediately denied that he is a treatment refusers. We stated he, indeed, is and that we have seen the paper he signed to document his decision. I agree with her next statement that it is none of my business to know that information. However, this prisoner volunteered the information to me and a group of prisoners while he was still living in B-5. I am not at fault for knowing information that is voluntarily given. Regardless, she made a claim that is proven to be false.

INAPPROPRIATE SEXUAL RELATIONS: In part of my complaint I stated a concern over some statement made by (b)(7)(c). During a conversation with her, she explained a few people in NCBM leadership, whom she would only refer to as They and Them, felt concern that the homosexual prisoners will "start having inappropriate sexual relations" since they are now housed in the same unit. She also stated that she brought up the fact that all of the homosexual prisoners were now all in one dorm during a C&A board after I brought it to her attention.

This issue was addressed during the meeting but was never actually resolved. (b)(7)(c) denied anyone ever saying this and that she did not know where our (b)(7)(c) got this information or why she would make such a statement. She stated we were misinformed again but offered no explanation as to what our (b)(7)(c) could have been referencing. Instead, she quoted information from (b)(7)(c) that C&A Boards never made such a statement nor was sexual orientation ever brought up during these boards.

BETA DORM: Another issue brought up in my complaint was another statement by our case manager that B-4 was designated the "beta dorm." She explained to me, and later to (b)(7)(c) when he consulted her about his concerns, that all prisoners are given a personality test fill out out by prisoners during their first week at NCBM. Another personality assessment is conducted by Clinical Services which she explained is not releasable to prisoners. The combination of these personality test determines the alphas and betas, thereby determining which housing unit in which we belong.

(b)(7)(c) responded that we were never given a personality test. She claimed what we encountered was a risk assessment to determine an individual's risk factors for aggressive behavior/temperament. She also said in a very condescending tone that she

wanted to put our minds at ease so we would not "think the brig is doing studies on [us]."

We thought this issue was done but she continued by assuming we were offended by an inference that the term "beta" was synonymous with "weak". She presumed she understood how we felt in thinking we are being called weak. She then went on a long monologue of how she knows she is an alpha but that does not mean her spouse is weak because he is a beta. The offense did come from a misinterpretation of the term "beta." We took offense that a certain demographic of male prisoners was grouped into a dorm; a dorm which a staff member termed as the "beta dorm" thereby implying that all of the homosexuals were betas, yet we are not all betas nor are we all alphas.

On a side note, When we asked our case manger for a copy of the personality test filled out by prisoners, she said she was unable to do so because it was only half of what the facility was using. Since the other form filled out by Clinical Services personnel is not releasable to prisoners, she said our attorney would have to call the facility and try to obtain it that way.

PHONE CALLS TO CIVILIAN ATTORNEYS: Towards the conclusion of the meeting, (b)(7)(c) asked if we had anything else we wanted to discuss. On (b)(7)(c) (b)(7)(c) I asked my (b)(7)(c) if I could call my civilian attorney and she denied my request stating that she is not obligated to facilitate a confidential call in the dorm's legal booth because he was not working on my criminal case. She told me if I wanted to talk to him I would have to call him on the dorm phones which are recorded. She later told me that she talked to (b)(7)(c) (b)(7)(c) who supported her in her claim. (b)(7)(c) firmly stated she is not obligated to facilitate any phone calls with civilian attorneys, only military attorneys. She continued to say that as far as civilian attorneys are concerned, she is only obligated to provide unfettered access; implying that we are still able to access our civilian attorneys by writing to them.

To say a prisoner must use monitored phone lines to call his/her attorney, civilian or military, violates the attorney-client privilege. After doing some research, SECNAVINST 1640.9C, Article 8301.20 and BUPERSINST 1640.22, Article 1640-080, Section 301.20 both state: **Privileged calls are to be verified for authenticity of the caller but shall not be monitored.**

SECNAVINST 1640.9C Article 8301.29c: Under no condition will any prisoner be prevented from consulting or corresponding with counsel or the authorized representative of counsel, maximum security, special quarters, and disciplinary segregation requirements notwithstanding; nor will a request to see a chaplain be denied. It is further required that arrangements will be made for the acoustical privacy of any consultation between prisoners and their counsel or clergy within the confinement facility. The confidentiality of the lawyer-client privilege is recognized in R.C.M 502 of reference (c) and in rule 1.6 of JAGINST 5803.1

To: Office of Naval Inspector General
ATTN: Navy Hotline
Building 172
1254 Ninth Street, S.E.
Washington Navy Yard, DC 20374-5006

(b)(7)(c)

Hello, my name is (b)(7)(c) and I am currently confined at Naval Consolidated Brig Miramar. I am fully aware of my offenses that brought me to this point in my life and while I am on a path to redemption, I find that this location of confinement counter productive, not only for myself but for all prisoners located here. Prior to my confining offense, I was a (b)(7)(c) year veteran (b)(7)(c). I am a home owner and taxpayer for the state of (b)(7)(c) where I have lived (b)(7)(c). I am writing not only on my behalf but of all of my fellow inmates in the hopes to get issues addressed and changes implemented. All of the rules and guidance that's supposed to be followed comes from SECNAVINST 1640.9C, dated January 3rd 2006 and BUPERINST 1640.22, dated March 29, 2011 along with other federal guidelines.

The Prison Rape Elimination Act (PREA) and Equal Opportunity (EO) are not taken very earnestly at this location. Things are supposed to be taken seriously as reported but on several occasions I haven't been taken seriously or told that my issues aren't one of these two things. They try to diminish the situation especially when it relates to brig staff towards prisoners. I've been on the side of false statements made via a staff member and the allegation was allowed to run free from staff member to staff member then from staff to inmates to furthering my uneasy mental state. I have filed a PREA complaint against a staff member originally in (b)(7)(c) then again in (b)(7)(c) and nothing is being done to help me. I have not had access to a Uniformed Victim Advocate or to the Sexual Assault Response Coordinator. I have been told by the Commanding Officer (b)(7)(c) (b)(7)(c), that I am not allowed to receive legal help or talk to a Uniformed Victim Advocate to get help with my PREA complaint. I have not been allowed to receive redacted copies of the investigation and I have not received copies of my original complaint.

Fear of reprisal here is a huge issue because no one feels safe reporting real issues. I personally can say that I feel the same way. I've seen things that have been addressed and from the time of alerting the problem, my life only gets worse behind these walls. Noticing, properly alerting, and following through on things here that are wrong just ensure that you get put in the "prison spotlight" where one becomes a target. I am then subject to more "random" room and body searches, negative paperwork, being skipped over for events and removed from programs. We are groomed to just shut up and color because we are just prisoners with no voice, subject of the rules of corrupt guards.

Here anything that is deemed a rule violation can result in being issued a Disciplinary Report (DR) in which then has to be investigated by one of the two brig investigators. They are currently both (b)(7)(c) who share an office inside of the confines of the brig. Very often it is felt that we rarely have a voice in matters because it always boils down to the staff versus the inmates. Usually what they say is believed because of the lack of separation physically and emotionally from their peers who work alongside them in the facility. It's a faulty system from the issuance of the DR to the investigation to board of brig members who get the final say on your guilt or innocence. More often than not the written-up member will be found guilty and administrative decision will result in loss of earned time, incentive level, and privileges for up to 30 days. The boards are rarely unbiased and reviewed on an individual basis. It's supposed to be a board of three members outside of the situation. I

have witnessed on several occasions where two of the three members were from the same office or work center, sometimes even a subordinate and their direct boss. No one here is willing to go against the ideas and thought of their rating supervisors even when it may be a questionable thing. The appeals process of this is supposed to allow you to once again express your side to the Commanding Officer of the brig. One is almost guaranteed to still loose and be told the punishment and administrative actions will stand as adjudicated because what more evidence can you give him over what was given at the board? These negative findings in boards can and do affect peoples parole in the future.

If you get put under an investigation for anything from unauthorized writing to a fight, you can be placed on Administrative Segregation Pending Investigation/Disciplinary (ASPI) status. That means you are placed in the Male or Female Segregation Quarters (MSQ/FSQ) where you are usually locked inside a disgusting cell for 23 hours a day minus your hour for outside time and showers. This is their way to isolate you from others if they feel your talking or staying in general population hinders someones safety or their investigation. Even if you are eventually released from that mind crippling environment and status for whatever reason the damage is done. Whether you were wrongly accused and deemed innocent, no longer viewed as a threat, your time there has made its mark. The location they can place you also the same area as Disciplinary Segregation (DSEG) and the only real difference is you may loose the ability to watch the common room TV through your door window. They don't view ASPI as a punishment nor do they count the time on an ASPI status if you are eventually determined to be guilty and moved into DSEG status. Then your time starts over but nothing else has changed. (b)(7)(c)

(b)(7)(c)

(b)(7)(c) The conditions of the facilitates for both statuses, including the new prisoners who are placed there too are not only dirty but usually extreme in temperatures, dim, given cold food, one weekly 10 minute DESEG call and all in a depressive environment. Then to top it off, you can't even read normal books in DSEG status. You may be given one of a limited supply of "Self Improvement" books to bide your time. According to the SECNAVINST 1640.9C were supposed to be reviewed within 72 hours for any disciplinary or classification issue. That 72 hour window is always busted and we aren't always allowed to go and represent ourselves in whats supposed to be a fair review of the situation.

Our rule book which is supposed to be our go to on guidance within this facility is dated August 2013. Everyday rules are being enforced that aren't listed or things are revised from the way written and when we inquire as to where that is stated, we are just told "follow the last order given". It's been said for more than a year that a new rules and regulations book will be coming out yet every month we are all held to standards that are outdated, incorrect, or just non-existent.

No payment for work and services is rendered other than \$25 of restricted government funds in which only the basics may be purchased. Most here work anywhere between 140-180 hours a month in various skilled positions that either directly give back to the brig or are outsourced to base squadrons or the VA. Within the Labor and Industries reports they inform command how much money they save by using prisoners from the brig making their products since we do not get paid for our labor. There is a brig contract with the VA to sandblast tombstones for veterans as either newly issued or replacements for damaged ones. There are standing agreements with base squadrons that only pay for materials and not for labor for items like signs, going away plaques and gifts, podiums, wall boards, and more that require skilled training and various hours of time.

(b)(7)(c)

(b)(7)(c)

(b)(7)(c)

If nothing else I think we would all benefit from an outside investigation team coming through and really seeing the issues for what they are. Millions of tax payer dollars are flowing into this facility in which looks so good on paper while we suffer and are told constantly that the brig does not have money to fund programs.

Money is spent on food where the quality alone is questionable but to fit into a budget, I can understand. What is hard for most to comprehend around here though is the amount of food that is thrown away and wasted. Due to how things are ordered based on prisoner numbers, there will always be an overage or shortage. Usually there is an overage and rather than re-working the portions to waste less, donate it to a shelter, or even use it as compost, we throw it down the garbage disposal or directly into a trash can on a daily basis. Yet another huge waste of food and funds in which the outside world has no clue about.

Program funding isn't being used effectively if the program is enacted at all. We have several Department of Labor programs in which upon completion we are awarded a certificate. All of those documented programs aren't run in a manner that warrant any type of certificate. Money for the program is used wherever and us prisoners are half trained in the process. Due to what they tell us is a funding issue, we can't even get into many of these Department of Labor courses until within a year of so of our release, because they do not want to re-certify us in the future. Many of these skill sets could not only be learned here but practiced to ensure the highest level of knowledge and application is there prior to release.

There are a ton of inappropriate staff to prisoner interactions between behavior, conversations, and personal relations. With no real oversight at this place, the staff are complacent with continuing their given path. Shy of maybe reporting things to the Inspector General (IG), everything that goes on here is kept under lock and key, right or wrong.

SECNAVINST 1640.9C 4-12 says that we are all graded on the five leveled Adult Internal Management System (AIMS) which is what they use to group or type cast us into our living quarters. This is somehow how they determine who is an Alpha, Beta, or Gamma personality type and how they separate us. They claim to also factor into your living arrangements your need and willingness to do treatment. Even though this is not how the world works, on paper I am sure this seems like a good idea. With that said, how did all of the openly gay prisoners end up in the same dorm together even when not all of us were eligible for treatment? This is where it seems that they don't follow any type of "plan" and make up their own rules. The divide and lack of communication among the sections (i.e Clinical Services, Operations, Prisoner Management Department, etc.) is clear and never seems to work in our favor. If all that is done here is to the betterment of us and society some thing seriously have to be looked at and changed.

For a place that is extremely low on crime, violence, and contraband, our mental states are low due to the constant instability of this place. Prisoners are getting denied parole because they can't secure a job. They can't secure a job because they are behind bars and have no real access to the outside world. Your expected to secure a job while in here for your parole package buy you have no internet access, no open phone to use for employment, and the staff aren't allowed to make contact on your behalf. If you don't have friends or family on the outside to assist you via mail or your paid phone time, you unfortunately can't get the job needed to get out of here.

We aren't awarded half the privileges as members who are in the Federal Bureau of Prisons system. Again, prisoners here have no internet access along with everything else, we get no family video calls or email access that some other places that house worse criminals have. We aren't allowed to have any gaming systems to enjoy on down time. There is no

access to prison grade tablets to use for personal or educational use. There is no commissary for prisoner use to buy items or food that isn't freely given. All our books and magazines are censored through a literary Review Board (LRB) so you don't even get all your choices of written entertainment.

If you have a short sentence you are punished in the fact that you are not eligible to receive some of the incentives of our sub par incentive levels. The range of things you can work to receive are anything from an hour of lights on at night, a wrist watch, a CD player, more books at a time in your room, and a DVD player. This facility uses treatment as a coercive measure to make prisoners to "volunteer" for the program. We are told that if we do not "volunteer" for treatment then we can not get higher than incentive level one regardless of our behavior or out time in confinement.

The brig is constantly "low" on manning which is always the excuse as to why we can't do certain things or why the logistics can't be worked out to include the overcrowding of dorms. This somehow doesn't effect the brig when there is a code called for something such as a medical incident or a prisoner being non compliant where as many as (b)(7)(c) guards can magically show up on the scene, or during yard call where they have (b)(7)(c) guards standing around and talking while we work out.

We are supposed to be considered a Level II, medium grade facility and yet it's run much closer to a high security grade place. Almost everyone here has a sentence of 10 years or less with more than half being 5 or under range.

This is a Navy facility but more than half the staff who is around enforcing the rules are Marines who have a very different understanding of rules and punishments. They also have a very different idea of how to interact with inmates which usually results in something bad happening to prisoners. This facility holds all five branches but we aren't equally represented by the staff working here. There are former guards who now work as civilians in the individual dorms and only add to some of the chaos. They aren't unbiased bodies of staff especially when their former military co-workers remain here as active duty. Again, anything their buddies say weighs more heavily than what the truth of the situation may actually be.

The UCMJ violations vs. the Civilian Law doesn't align causing many soldiers to be held to a higher standard than they would be held to outside of the military. Case after case, sets of charges can be seen aligned with the outside civilian law and be seen that the military members have been judged more harshly. Cases in which may not even have enough evidence to move forward on the outside have somehow become confinement worthy offenses under the UCMJ and military court martial.


I believe that because of our past affiliation with the military we are all in a very unique situation being here. I have been told by the staff that this place is ran the way it is, under all its guidance and regulations for the structure of returning us to active duty. That's not a reality for majority of the prison population. The truth is that very few of us may ever return to active duty, not for lack of desire but do to the fact we aren't given the chance though that doesn't seem to be understood by the authority here. If there can be more done to extend a second chance I am certain many of the people here would love to go back to active duty. Like myself, many here love their country still and would do anything to go back to a life defending it and supporting their family. If we won't ever be awarded that opportunity then maybe the idea behind this place and others like it should be changed to reflect that. A military brig has to have a point outside of the normal justice system to serve a purpose.

I can only see this place going from bad to worse at this point. The brig as a whole is facing several Article 138's (Redress of Wrongdoing by the Commanding Officer) and Article 1150 (Redress of Wrong by a Superior) from various prisoners as well as a few known pending legal actions from outside non-military law firms from things that are seriously

unbecoming of a military command let alone a prison under military command. I have submitted two Article 1150s against the Executive Officer (XO) and another staff member (b)(7)(c) for EO violations and Sexual Harassment. I was told that my Equal Opportunity complaint is not considered valid because the XO (b)(7)(c) did not want it to be and EO complaint. I was told by the Commanding Officer and (b)(7)(c) the PREA Compliance Manager that although they have evidence that (b)(7)(c) was sexually harassing me and they believe that he did it the brig will not be taking any action on the matter. They would not even issue a Military Protective Order so that he could not have any contact with me.

At the end of the day, I am not reporting these issues to complain. I am bringing them up in hopes that someone outside of this chain of command can evaluate it all on a much higher and fairer level. If it's never brought up, it can never be expected to change. These issues have been brought up here on the lowest level with zero results and any further pushing may result in more punishments from the brig staff on myself and other prisoners. Than you for your time in these matters and I will look forward to a reply at your earliest convenience.

(b)(7)(c)



To whom it may concern,

My name is (b)(7)(c) and I am a prisoner at Navcon Brig Miramar Naval Consolidated.

There is a violation of the procedures governing major punishments for rule violations within the brig.

The commanding officer has delegated her approving authority to the XO for major punishments, making her the appealing authority. This is against the SECNAV INSTRUCTION 1640.9c, 5101.2.c which she can not delegate it. This keeps all cases in house allowing for no outside entity to truly view each appeal without impartialness.

I have witnessed the CO yelling at prisoners who were under investigation. For me personally she would brag about how she can grant Good Conduct Time (GCT) back to prisoners, only to later tell me she will never do it. The CO violated my medical approved right by pulling my mattress out of my cell for 8 hours a day, leaving me to sit and lay on concrete (b)(7)(c) a metal rack. How can this person be the appealing authority.

I suffered tremendous emotional stress while on disciplinary segregation for over 60 days. My outlook on life has changed. Every day is a struggle since my illegal punishment.

In total I've lost 84 days of GCT/ET (earned time). I do not believe I will ever see that time returned before my release date of (b)(7)(c). For the sake of others I have written this letter. If we add up the total of GCT/ET

lost due the improper major punishment procedures people as
a whole have lost years of freedom. Millions of dollars are
being wasted to house us prisoners past our minimum release
dates. Please look into this matter for the sake of all.

(b)(7)(c)

(b)(7)(c)

From: (b)(7)(c)

To: Office of the Naval Inspector General

Subj: ADMINISTRATIVE DISCIPLINARY PROCEDURES AND EQUAL OPPORTUNITY (EO)
VIOLATIONS AT NAVAL CONSOLIDATED BRIG MIRAMAR (NCBM)

Ref: (a) (b)(7)(c) Administrative Disciplinary Procedures at NCBM
(b) SECNAVINST 1640.9c
(c) BUPERSINST 1640.22, Article 1640-050
(d) Constitutional Rights of Prisoners, 2017, Matthew Bender & Company, LexisNexis Group
(e) Appeal of (b)(7)(c)

Encl: (1) Excerpts from ref (d)
(2) Prisoner Disciplinary Report (DR), Ser (b)(7)(c)
(3) Statement IRT (b)(7)(c)
(4) Appeal of (b)(7)(c)
(5) Prisoner Disciplinary Report (DR), Ser (b)(7)(c)
(6) Voluntary Statement IRT EO Complaint

1. Thank you for your time and attention to this letter. I am (b)(7)(c) and am currently serving the (b)(7)(c) month sentence at NCBM. I have been confined at NCBM since (b)(7)(c) and was previously confined at (b)(7)(c). I have been granted parole effective (b)(7)(c).

2. I respectfully bring to your attention violations of my rights under the Constitution of the United States, and Secretary of the Navy and Bureau of Naval Personnel Instructions. I have attempted to address the issues via the NCBM Chain of Command to no avail. I believe that the Commanding Officer has been personally complicit in these matters and have no confidence that further efforts will prove fruitful. I previously addressed some of these issues, in general terms, via letter to the Inspector General's Office, ref (a), however refrained from submitting the specific issues relating directly to myself while waiting for an appeal response from the CO and follow up meeting with the commands EO representative. At this point I feel that filing an IG complaint is necessary. I have also been attempting to discuss Art. 138 action with base legal but contacting them have been difficult. The issues fall into six main categories:

1. During Disciplinary and Adjustment (D&A) Boards, I was denied the right to call witnesses. Refs (b) Article 5101.5.e and (c) Article 102.3.e(5) both state that prisoners have the right to call witnesses. Additionally, as articulated in ref (d)/encl (1), this is a violation of my Constitutional Rights as affirmed in *Wolff v. McDonnell*, 418 U.S. At 571 (1974) and *Walker v. Bates*, 23 F.3d 652 (2d Cir. 1994), and is compensable.
2. The command failed to ensure that there was an impartial D&A Board. As articulated in ref (d)/encl (1), this is a violation of my Constitutional Rights as affirmed in *Wolff v. McDonnell*,

418 U.S. At 571 (1974).

3. I was denied the right to consult with an attorney prior to the commencement of a D&A Board. Refs (b), Article 5101.6.c and (c) Article 102.3.e(1) both state that prisoners have the right to consult with an attorney prior to a D&A Board.
 4. The Commanding Officer has improperly delegated authority to award "Major Punishment" to the Executive Officer in direct violation of refs (b), Article 5101.2.c and (c) Article 101.3.d.
 5. The command, based on 2.4 above, has made the Commanding Officer the appeal authority and denied my right to appeal decisions of the D&A Board to the command's ISIC in violation of ref (b) Article 5102.7.f.
 6. The command has failed to provide protection from racist/racially motivated remarks, treatment and belittling by both prisoners and staff members. This is a violation of the Navy's EO policy.
3. On (b)(7)(c) I was falsely accused of making (b)(7)(c) to another prisoner. The D&A Board President found that I "...did not give a (b)(7)(c) The details of the allegation, the finding of the D&A Board, my statement of the incident, and my appeal to the CO are attached as encls (2-4).

The facts contained in the allegation were wrong (false official statement) and subsequently the charge of "Disrespect" was dropped. On (b)(7)(c) when I reported to the D&A Board to face the remaining charge, none of the four witnesses, all prisoners, I had requested were made available [para 2.1]. While the board found that I had NOT (b)(7)(c) and agreed that the guard's account was not accurate, they still decided to punish me. This decision was not impartial [para 2.2]. The other prisoner involved had his D&A Board the week prior to mine and a copy of his punishment was written on a post-it-note and attached to the folder containing my charges. I saw it at my Board and again that afternoon when the approved findings were brought to me for signature. We received the exact same punishment. I am not aware of any action in regards to the false statement.

Beginning as soon as I was accused of (b)(7)(c) I started getting harassed by staff and prisoners alike about (b)(7)(c) I was called a (b)(7)(c) (b)(7)(c) similar to what I was accused of doing by both guards and prisoners. I also had guards ask me "How is the brig's (b)(7)(c) doing today?" and "What sort of (b)(7)(c) are you up to?" I brought this to the attention of my Dorm Counselor, Case Manager, Chaplain, Investigations Chief, and other staff members. Some of the incidents took place right in front of these individuals. My counselor even brought it up to the NCBM Technical Director. Despite these numerous and repeated requests for help, nothing changed. This became a daily occurrence [para 2.6]. I was also strictly forbidden, by the D&A Board President, from telling people to stop because that would be "assuming authority". After over a month of daily jabs, taunts and comments, I had to do something myself since help was not forthcoming. It might be expected that someone could turn to anger and violence to put an end to it, but I knew that most people were not making them out of spite or malice. Therefore, I decided to use humor and responded, making light of their actions and making it plain I did not agree with any (b)(7)(c) responded to the second provocation in less than an hour in this peaceful fashion. A detailed statement of the incident was provided in an appeal to the CO, ref(e), however that appeal and statement were removed from the counselor's office and can not be located.

On the morning in question I was in line behind an (b)(7)(c) following morning

medications call. (b)(7)(c) was walking the opposite direction and presented the clenched fist (b)(7)(c). This was returned by (b)(7)(c) and both began to laugh. In response held my hand in a fist and shook my head as I looked at (b)(7)(c) in an attitude of "Really?" in a manner you would when a friend does something ridiculous. Then talking to (b)(7)(c) I said they shouldn't exclude me. it needs to be (b)(7)(c) with my fingers. I also used the (b)(7)(c) with the example (b)(7)(c)

(b)(7)(c) This was poking fun at a Saturday Night Live skit people had been repeating lately. About 30 minutes later I was approached by the Investigations Chief and escorted to segregation where I spent the next 12 days pending investigation and a D&A Board. The DR I was given, encl (5), claimed that I made the gesture (b)(7)(c) (b)(7)(c) The only (b)(7)(c) (b)(7)(c) I had ever heard of was associated with the (b)(7)(c) so I asked my (b)(7)(c) to look them up. She found that this group does in fact have a

(b)(7)(c)
(b)(7)(c) This was not what I did nor was it my intent. While in segregation, before the investigation, the CO entered Segregation Quarters (SQ) with the Investigations (b)(7)(c) and proceeded to yell (actually yell) at me in the presence of the (b)(7)(c) and loud enough for other prisoners in their own cells downstairs to hear. During this time she pronounced me guilty of bringing (b)(7)(c) into the brig, and threatened to refer the matter to NCIS. I later learned that she also yelled at the other two prisoners, who were in a separate dormitory. I was also informed by two separate guards, and confirmed with my counselor, that during an ALL HANDS meeting before the 4th of July holiday weekend the CO told the staff how mad she was with (b)(7)(c) and other sentiments in the prisoner population. This alone was enough to ensure that I would not get an impartial hearing, much less an impartial appeal [para 3.2].

On (b)(7)(c) while being questioned by Investigations, I requested to speak with a lawyer and the interview was terminated. It was not until the (b)(7)(c) that the number for the base legal office was provided to me. I immediately made a written and verbal request to call the lawyer. My board was held three days later on (b)(7)(c) without me being able to talk to a lawyer [para 2.3]. On (b)(7)(c) 60 days later, after more than five follow-up verbal requests my new counselor finally called, and e-mailed, to request a meeting/consultation. I did not speak (phone) to the lawyer until (b)(7)(c) 69 days after the initial request. We discussed the issues and requested his assistance and counsel on whether an IG Complaint or Complaint against the Commanding Officer under UCMJ Art. 138 was more appropriate. The lawyer asked me to send him the information and said he would get back with me. When I requested my counselor fax/scan and e-mail the information I was informed that if it was concerning another brig or organization they would however, since it concerns NCBM the policy was to not assist and that I would have to mail the information to the base legal office.

While I was in SQ, I was subjected to further taunts and insults [para 2.5]. My Quarters Supervisors included the same (b)(7)(c) that had previously asked me "How is the brig's (b)(7)(c) doing today?" A different guard entered SQ and gave me the (b)(7)(c) gesture that the other prisoners did involved in this incident did. He and the other two guards in SQ were laughing about it then asked me what happened. The reason they said they were laughing was because they knew that the charges were ridiculous. A few days later I had a visit from the XO who told me he didn't believe there was any (b)(7)(c) either. I also informed him of the guards' actions and at his request followed it up in writing. I was also visited by the Chaplain and he too stated that he knew there was no (b)(7)(c) between myself and (b)(7)(c) Having had the opportunity to see us interact in the Chapel two to three times a week, he offered to be a witness at our D&A Boards.

When I reported to my D&A Board I discovered that the same (b)(7)(c) that had presided over my previous board was once again the Board President. This combined with the CO's comments to me and the command's staff members, made it highly unlikely I could receive an impartial hearing [para 2.2]. I described the entire situation and my counselor confirmed that I had brought up the ongoing taunts, provided names of the individuals, and that he had brought the problems to the attention of the Technical Director. I was then admonished that I should have made the statements in writing. My counselor replied that the reason I had not was due to a fear of retaliation for being a "snitch". Once again the witnesses I requested, Chaplain and two other prisoners, were not allowed [para 2.1]. I was found guilty as were the other two individuals and all three of us were awarded the same punishment. This once again demonstrates a lack of impartiality [para 2.2] especially considering that the other two prisoners did not even appear before the board. The board results were approved by the XO contrary to instructions that allow only the CO to approve such punishment [para 2.4], and I was denied the ability to appeal the decision to the command's ISIC [para 2.5]. As expected, I was not granted relief with my appeal to the CO.

Following the board, the Assistant Prisoner Management Director (APMD) summoned me to discuss the written statement I submitted to the XO. I explained what had been going on, provided him with details of incidents, which were still occurring, including a guard escorting a group of prisoners during "Extra Duty" who was making jokes about what cleaning people should be doing (b)(7)(c) (b)(7)(c). I also informed him I had still not talked to a lawyer. After that meeting I requested to meet with the command's EO representative to file another formal complaint. I had previously filed an unrelated complaint, encl (6), which is, to my knowledge, still under investigation. For the same discussed reasons I now expect nothing to come from it. When the EO reps asked why I didn't bring the comments and gestures up previously I explained that 1) I had been utilizing the Chain of Command, 2) the issues were separate from the previous complaint and 3) I feared reprisal. I provided all the information pertaining to the events and started making written reports for incidents so they could be investigated (i.e. review security camera). Although names were not given in every report, times and locations were with names provided in person. I also told them that several people had stated that "this looks like retaliation for the [first EO] complaint" to which they replied they did not believe it was.

In a followup interview on (b)(7)(c) I discovered no formal investigation was opened and none of the incidents reported were ever looked in to. I was also told that training was conducted but no action would be taken regarding any staff members for incidents occurring before the training. The EO representatives have been willing to listen. It is my belief that they have tried to push the issue as much as they can from their level and that it is the command leadership that is preventing any other action.

Even after talking with the Counselors, XO, TD via my counselor, APMD, Chaplain, Investigations and Case Manager, I am still subjected to near daily salutes, comments, etc. At least now, most follow up the remarks by telling me they know I am (b)(7)(c). Additionally, according to two independent counselors, the senior leadership still feigned ignorance of the issue with staff personnel during a staff meeting (b)(7)(c). While I realize I am a prisoner and held accountable for my actions, it is unfathomable that the standard by which I am held in regards to the EO regulations can be so drastically different than the staff who should by all rights be held to a higher standard.


4. Staff member/guard names have been purposely omitted. Having their names would be a violation of Brig Rules and therefore punishable at a D&A Board. For this reason the names were also omitted from encl (6) by the Investigations (b)(7)(c) prior to providing me a copy.

5. As there is no standing court which I can petition for redress and relief, I respectfully request that the Inspector General's Office take up this matter. Specifically, I am requesting:

1. Appropriate relief for violations of my rights under the Constitution and Navy Instructions.
2. That NCBM be compelled to provide safeguards to these rights for all prisoners in the future.
3. That I receive safeguards against retribution/retaliation.

6. Pursuant to 28 U.S.C 1746, I hereby declare under penalty of perjury that forgoing statements are true and correct.

(b)(7)(c)



To whom it may concern,

My name is (b)(7)(c)

and I am currently incarcerated at NauCan Brig Miramar, but let me start by saying I am not a model prisoner. I am a very vocal and expressive inmate and while incarcerated at NauCan Brig Miramar I've faced many obstacles. Obstacles in which I feel I shouldn't have to face even as a prisoner.

My one major problem at the moment took place on the (b)(7)(c) myself and (b)(7)(c) exchanged words during a verbal altercation. I am fully aware that I was in the wrong, but looking back on that date I realize that I was being harassed and poked at for a reaction. I allowed myself to succumb to the exchange due to having a history with (b)(7)(c). I acquiesce in my issue of anger, but why is staff creating a possible argumentative situation? Why is (b)(7)(c) escorting me places and outside at yard call with me? Lastly we had situations where staff members will deliberately follow me and go out of their way to harass me. If I am talking in line with a prisoner why am I the only one in trouble?

In this facility there are many unprofessional staff members. There is staff cussing at prisoners trying to get a reaction out of them, while other staff members are punching doors, hanging on cages and purposely waking up prisoners at night by banging the clipboards on the door. I've heard (b)(7)(c)

(b)(7)(c)

tell (b)(7)(c)

to not secure the shower door while he is in it. I've experienced the same problem, which made me feel uncomfortable and sexually harassed.

I've experienced a staff member belittle another prisoner to another prisoner and myself stated

"prisoner was being a bitch and should have struggled against the S.E.R.T Team. He laid there and just took it, he is a waste of space." That is very unprofessional and beyond, that right there makes me feel unsafe. As prisoners we deserve to be treated with dignity. In conjunction with that we have CO's who are notified that we need assistance but don't show up until after taps. At that point we can't get our problems resolved, but even when we do bring things up our requisition never makes a dent into the problem.

Finally there are minor infractions that this facility constantly makes, such as fellow (b)(7)(c) and I have had our meal slips "misplaced" on multable occasions while other D-seg prisoners havent. (b)(7)(c) and I feel that we are being targeted. Recently we've been allowed a clock on the window ledge, which has a non-working thermometer, the time is (b)(7)(c) and the thermometer reads 79.5°F which is evidently wrong. On the other hand when our real mercury thermometer reaches 80°F - 83°F in the day room we are forced to wear our full uniform. We are stuck in a room during the hottest part of the day, while the room exceeds the day room temperature. While we are in our heat infested room we are forced to drink out our rust and calcium deposit infested Sinks. A very unhealthy substance to the human body. Also we have scheduled appointments that the Quarter SPS neglect to follow up for us. I've had Funds and Valuebles personally tell me they've been waiting 2 weeks for me to attend my appointment. While the Magazine rules have become increasingly absurd. We cant receive "Sports

Illustrated: Swimsuits" because "our imagination might run wild" but that can happen with any kind of picture.

Finally two prisoners along with myself have waited 2-3 weeks for a follow up with legal counsel and lawyers.

Why are our rights being tempered with?

In conclusion this facility has come to a point where we as prisoners don't feel safe. We've had

(b)(7)(c)

this

brig (b)(7)(c)

because of how the guards treat us. We are helpless when it comes to our needs and the staff members dish out D.R.'s for things that shouldn't even have to go that far. I hope this facility changes to help the mental struggle we face as prisoners. Thank you for affording the time to listen to my words.

Sincerely,

(b)(7)(c)

MEMORANDUM FOR: OFFICE OF THE NAVAL INSPECTOR GENERAL

ATTN: Navy Hotline

Building 172

1254 Ninth St, SE

Washington Navy Yard, DC 20374-5006

FROM (b)(7)(c)

SUBJECT: Complaint of Negligence and Misconduct of a Superior Officer

1. Sir/Ma'am, this is to inform you that I, (b)(7)(c) a prisoner at Naval Consolidated Brig Miramar (NCBM), have been the victim of negligence and misconduct on the part of the Executive Officer, (b)(7)(c). Within this memorandum, I will discuss how I filed a formal Equal Opportunity (EO) complaint against NCBM and how NCBM leadership failed to follow formal complaint procedures according to Navy regulations. Additionally, I will also explain how my concerns and subsequent requests for information and clarification were met with hostility and alluded threats of disciplinary action.

2. On Tuesday, (b)(7)(c) I submitted a DD Form 510, *Prisoner Request Chit*, to the facility's EO representative. The complaint (Attachment 1) outlined concerns I had with the facility moving prisoners to different housing units. I believe I was the victim of unlawful discrimination based on my sexual orientation, which is homosexual. This perceived discrimination was due to these moves resulting in all of the openly homosexual male prisoners, though still among the general population, being grouped into the same housing unit.

3. The Navy prefers formal complaints be submitted using the NAVPERS 5354/2, *Navy Equal Opportunity/Sexual Harassment Complaint Form*, as stated in its Equal Opportunity regulation, OPNAVINST 5354.1F. However, that is not possible in this case. According to the NCBM *Rules and Regulations* booklet, dated August 2013, Article 102 states: **If your problem requires the attention of a staff member outside your housing unit, you will be advised to follow the procedures in Article 608 concerning the submission of Prisoner Request Chits.** Furthermore, Article 608b states: **The Request Chit is the prisoner's means of contacting the Commanding Officer or anyone else in the prisoner Chain of Command with major concerns, complaints, or exceptional comments.** Additionally, after consulting my case manager about my concerns, I did not feel there would be any resolution. As a result, I used the DD Form 510.

4. I received a response to the complaint on (b)(7)(c) when (b)(7)(c) met with me personally in the visitation area known as "Guard Mount." This was a joint meeting with (b)(7)(c) another homosexual prisoner who had submitted his own complaint for the same concerns. During this meeting, (b)(7)(c) blatantly lied to us about points we had brought up in our complaints, minimized others as misinformation, and admitted to not knowing certain procedures. The details may be found in Attachment 2 of this memorandum.

5. At the conclusion of the meeting, I drew attention to the document (b)(7)(c) kept referencing by inquiring if it was the investigation report. She answered in the affirmative. I asked if I was allowed to have a copy of it. She said I was not because it contained staff member names and certain standard operating procedures which are not releasable to prisoners. I then inquired if I was allowed to have a redacted copy. Again, she answered no. This is a violation of OPNAVINST 5354.1F, Enclosure 5, Section 3d(5), which states: **When requested by the complainant and/or accused, the command should provide a redacted copy of the investigating officer's final report (per Privacy Act of 1974 and other applicable laws and regulations).**

6. Upon returning to my housing unit, I submitted another chit (Attachment 3), addressed directly to (b)(7)(c) citing the above regulation and requesting a redacted copy of the investigation report. The response came on the morning of (b)(7)(c) stating no investigation had ever been conducted. This is in direct violation of OPNAVINST 5354.1F, Enclosure 5, Section 3d(1): **The investigation must commence within 72 hours of complaint submission.**

7. The following week, while talking with my (b)(7)(c) she informed me that NCBM was not recognizing my complaint as an EO complaint. During the interview on (b)(7)(c) (b)(7)(c) stated my concerns were valid, yet, a week later she is stating that NCBM is not recognizing my complaint. On (b)(7)(c) I submitted another chit (Attachment 4), requesting (b)(7)(c) clarify the situation. My chit was answered immediately on (b)(7)(c) (b)(7)(c) when (b)(7)(c) called me for another interview. In this interview, I was berated for thirty minutes in the presence of (b)(7)(c) who had no part in this matter. A summary of the discussion can also be found in Attachment 5 of this memorandum.


9. I have considered taking this matter to the Commanding Officer, (b)(7)(c) However, (b)(7)(c) has stated numerous times to me and other prisoners that she receives all chits submitted to the CO and will ultimately decide which ones will end up on his desk. This has made me extremely reluctant to write this complaint. My fear of reprisal or unwarranted disciplinary action has grown throughout this process. (b)(7)(c) stated my chits were "borderline staff harassment" against her and that it "needs to stop;" alluding to a threat of disciplinary action. I have experienced increased mental and emotional stress and a relapse of depression. I also started taking anti-anxiety medication again in an attempt to stay calm enough to bring this conduct to your attention.

10. Throughout this ordeal, I feel my complaint was not taken seriously; forcing me to call into question whether the military truly protects the few remaining rights prisoners retain while in its correctional facilities. This situation started as an EO complaint but has evolved into a case of negligence and mismanagement of an EO complaint and gross misconduct. My requests were made in a polite and professional manner but were met with attacks which ultimately left my concerns unresolved. In her capacity as the Executive Officer, (b)(7)(c) has affirmed my impression that leadership in this facility does not care, nor does it want to hear, about concerns from the prisoner population. I struggle daily with feelings of inadequacy, shame, and being ostracized by the military community. This experience has added the feeling that my dignity as a human being does not matter.


11. Due to these events, I respectfully request your intervention in this matter. (b)(7)(c) is set to take command next year and it is a bit concerning knowing she will take command of a facility after displaying this type of misconduct. All I would like is a formal investigative inquiry, assigned to someone of the proper echelon level, to get honest answers. If it turns out my complaint is truly unsubstantiated, I am more than willing to accept that but a bigger issue is this sort of misconduct cannot and should not continue. I sincerely hope with your assistance, other prisoners may avoid this

misconduct and I can move on with my period of confinement. Thank you for your time.

(b)(7)(c)

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(b)(7)(c)

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From: (b)(7)(c)

(b)(7)(c)

To: Office of the Naval Inspector General

Subj: SAFETY VIOLATIONS AT NAVAL CONSOLIDATED BRIG MIRAMAR

1. Thank you for your time and attention to this matter. I am (b)(7)(c) and am currently serving the (b)(7)(c) month sentence at Naval Consolidated Brig Miramar (NCBM). I have been confined at NCBM since (b)(7)(c) and was previously confined at (b)(7)(c). I am being released from confinement on (b)(7)(c).

1. UNIMPEDED AND CONFIDENTIAL ACCESS TO LEGAL ASSISTANCE: While confined to the (b)(7)(c) in a pretrial confinement status, I was denied my right to unimpeded and confidential access to legal assistance in violation of R.C.M. 502, SECNAVINST 1640.9C (Art 8301.2.c), which requires facilities to provide acoustical privacy, and it was a violation of my right to attorney-client privilege. The attorney-client privilege is the oldest of privileges for confidential communications known to the common law. Its purpose, as upheld in the United States Supreme Court is to "encourage full and frank communication between attorneys and their clients and thereby promote broader public interests in the observance of law and administration of justice." *Upjohn v. United States* (1981). The lack of confidentiality (i.e. acoustical privacy) inhibited my ability to prepare for my defense since I was not comfortable openly discussing issues with my lawyer as I knew others could hear me. Legal visits and phone calls were conducted in non-contact booths in the Programs Dept office space at the opposite end of the facility as the prisoner dorms and outgoing calls had to be requested at least one day in advance. When reporting to Programs to make calls staff members explicitly prohibited prisoners from bringing any notes or other materials or implicitly prohibited by summoning prisoners to Programs without giving the reason, thereby preventing them from having such items with them. In the latter case the staff would give you a choice of calling at that time or submitting a new request to call the next business day. Programs staff also failed to pass incoming messages on multiple occasion which prevented my military lawyer from being able to keep me informed of events in my case, even admitting to not knowing the code to check voice mail. This issue was raised multiple times with staff personnel, counselors and Programs Dept staff, and nothing was changed. The booths for calls/visits were in the Programs Conference room where staff worked and prisoners waited for calls or visits by Lawyers, Chaplains and command personnel. These conversations, whether in person or on the phone, were clearly audible to anyone in the room, including other prisoners. Every time I went to programs I always overheard details of other prisoners cases and was informed that others could hear mine too. I told my lawyer about the problem and he said he would try and get me sent to the legal office so we could talk in private, but it never happened. I know that the Brig says there is no problem but overhearing and being overheard was a fact. I know numerous other prisoners that have filed IG complaints about this topic and others that said it was going on before I arrived in (b)(7)(c).

2. CONFIDENTIAL ACCESS TO LEGAL ASSISTANCE: While confined at (b)(7)(c) in a pretrial confinement status, my constitutional right to access to legal material was violated. This inhibited my ability to adequately prepare for my defense and to prepare my Parole and Clemency request. Specifically, there was inadequate time to review, and no private access to, legal materials. Additionally the instructions were limited to an outdated SECNAVINST and UCMJ which were kept in the library. We were given just 2 days a week to access the library

(b)(7)(c)

which housed the regular books and all legal materials, legal materials were unable to be checked out to review in our cells, and we, along with all other prisoners, were only allowed in the library for 20-30 mins at a time.

3. EXPOSURE TO HAZARDOUS WORKING AND LIVING CONDITIONS: There are two specific issues that I would like to address in this section. Each of these issues alone represent a violation of my Eighth Amendment rights, rights that have been upheld in court numerous times. Specifically, *Gates v. Collier*, 501 F.2d 1291 (CA5 1974), held that inmates were entitled to relief under the Eighth Amendment when they proved threats to personal safety from exposed electrical wiring, deficient firefighting measures, and the mingling of inmates with serious contagious diseases with other prison inmates. Both items (a) and (b) represent willful and deliberate acts of indifference to the health and safety of prisoners.

(a) While confined to (b)(7)(c) in a pretrial confinement status I was subjected to exposure to multiple hazardous cleaning materials requiring gloves and masks. On every occasion, we were instructed to clean cells, toilets and other rooms using the provided cleaning solutions that clearly stated that gloves or other protective equipment were required, and if exposed, to seek immediate medical attention. Multiple prisoners were exposed including myself to the solution and our hands and arms were "bleached" for multiples days and brig personnel told us to not worry about it.

(b) In NCBM, in a post-trial confinement status, it was discovered that the fire detection system for the dormitory I am assigned to was physically disabled for many cells. This had been brought up for another dorm as well (b)(7)(c)

(b)(7)(c) According to my case manager, (b)(7)(c)

(b)(7)(c)

(b)(7)(c)

Nothing was done to fix the issue.

4. INADEQUATE MEDICAL CARE AND PRIVACY: While confined to (b)(7)(c), in a pretrial confinement status, I was told by the brig and medical personnel that HIPPA and other medical issues and privacy is "non-existent" since we are prisoners. To add to the previous statements, myself as well as others were denied medical appointments and medications "due to insufficient staff" or words to that effect.

5. MISCELLANEOUS: While confined to (b)(7)(c) in a pretrial confinement status, we were subject to multiple cruel and unusual circumstances that I will address below.

(a) During (b)(7)(c) we were forced to participate in mandatory physical training when the weather conditions were black flag, temperatures reaching 90 degrees and higher.

(b) At (b)(7)(c) we were denied computer access such as Microsoft Word to prepare for court cases and other legal matters.

(c) At (b)(7)(c) on more occasions that I can't count, myself as well as others were given an inadequate amount of food or given no main dish at all because they would run out of food and we had nothing to eat but bread and water.

(d) At (b)(7)(c) I was told that there were multiple educational opportunities that we could take advantage of. When I asked to take CLEP courses and SAT/ACT, I was later denied and told

(b)(7)(c)

that the program was not offered and that we had to be custody classification MDO or higher to participate since it required us to go to the base library.

2. This is the first IG complaint I have filed due to fear of reprimand in my prior facility and I know you are very busy and I want to thank you for your time. I have seen first hand how you have addressed issues in other cases and look forward to hearing back from your organization in regards to my requests for assistance soon. If you have any questions please feel free to contact me at email

(b)(7)(c)

3. Pursuant to 28 U.S.C 1746, I hereby declare under penalty of perjury that forgoing statements are true and correct.

Very Respectfully,

(b)(7)(c)

(b)(7)(c)

From: (b)(7)(c)

(b)(7)(c)

(b)(7)(c)

To: Office of the Naval Inspector General
Attn: Navy Hotline
Building 172
1254 S. E. Ninth St.
Washington Navy Yard, DC 20374-5006

Sir/Ma'am,

My name is (b)(7)(c) and I am a lifetime resident of (b)(7)(c) currently confined at the Naval Consolidated Brig Miramar (NCBM), serving the (b)(7)(c) month sentence. I am fully aware of the series of choices that have led me to this place in my life and accept full responsibility for my actions. I find that NCBM is counter to the goals for myself and fellow prisoners in becoming rehabilitated. While on the road to recovery, redemption, and becoming a fully committed member in society, myself with countless others have observed this facility being counterproductive to its stated mission goal. I am writing not only for myself but also on behalf of my fellow inmates in the hopes to bring awareness to issues with in NCBM's staff and commanding authority and hopes that change can be made. All of the rules and guidance that are supposed to be followed come from SECNAVINST 1640.9C, dated 03JAN2006 and BUPERSINST 1640.22, dated 29Mar2011 along with other federal rules and guidelines.

Prior to my confinement here at NCBM, I served (b)(7)(c) as a (b)(7)(c) stationed on-board the (b)(7)(c). As a member of (b)(7)(c) (b)(7)(c) I have deployed to the Persian Gulf scheduled for 10 and a half months in support of the Global War On Terrorism and Operation INHERIT RESOLVE. Throughout my tenure in the Navy, I have been stationed at (b)(7)(c) where I have received above-average evaluations during each reporting period. I am proud of my accomplishments, but equally as proud of the lessons I have learned and the man I have become as a result of my mistakes.

Per instruction we are to be rehabilitated, treated in a fair and humane manner, and treated with respect. While here many staff are constantly going against what is suppose to really be done and clearly breaking many Secretary of The Navy Instructions (SECNAVINST) along with Bupers Instructions (BUPERSINST) and other federal guidelines, it is illegal, unjust and morally wrong. The brig as a whole is facing many Article 138's as well as Article 1150's (Redress of wrong doing by the Commanding Officer/Redress of Wrong by a Superior) submitted by myself along with many other prisoners that I trust. Some named (b)(7)(c) (b)(7)(c) along with many others. There are also a few known pending legal actions from both staff and prisoners for things serious unbecoming of a military command let alone a Federal Prison under military command.

I can only see this place going from bad to worse at this point. My fellow inmates and I have submitted 1150's and 138's (Redress of wrong doing by the Commanding Officer, Redress of Wrong by a superior and for Equal Opportunity (EO) complaints) but we have been told that our EO complaints are not considered valid because the Commanding Officer (CO) (b)(7)(c) did not want them to be EO complaints, or that upon an internal investigation there seems to be no problem. The Prison Rape Elimination Act (PREA) compliance manager stated even though that there is proof that prisoners were being sexually assaulted/harassed and that the brig will not take any action on these matters. (b)(7)(c) was told after making his PREA complaint a Military Protection Order will not be issued, leaving those staff members able to have contact with him and other prisoners. When I filed a PREA complaint I was told the person in question would have to repeat the words or phrase twice.

In the Brig's Rules and Regulations section 1-101, paragraph(a) it states that "It is the brig's responsibility to ensure you are treated in a fair and humane manner." However that is not the case here at the brig. Since my arrival at NCBM I have heard and witnessed staff treat both Pre and Post-Trial Prisoners inhumanely and in an ill manner. The SECNAVINST/BUPERINST to be followed are as listed:

- I. SECNAVINST 1640.9C Chapter 2 Section 2 1201 (1)(a)
- II. SECNAVINST 1640.9C Chapter 3 Section 4 3404 (1)
- III. BUPERSINST 1604.22 Article 1604-030 Section 3 302 (2)(a)
- IV. SECNAVINST 1640.9C Chapter 5 Section 1 5102 (3)(a-c)
- V. SECNAVINST 1640.9C Chapter 5 Section 1 5102 (4)(a-b)
- VI. SECNAVINST 1640.9C Chapter 5 Section 1 5102 (5)(b,e-f)
- VII. SECNAVINST 1640.9C Chapter 5 Section 1 5102 (2)(b)

- VIII. SECNAVINST 1640.9C Chapter 5 Section 1 5102 (2)(d)
- IX. SECNAVINST 1640.9C Chapter 3 Section 4 3402 (1)(a)
- X. SECNAVINST 1640.9C Chapter 3 Section 4 3402 (1)(i)
- XI. BUPERSINST 1640.22 Article 1640-030 (2)(b)
- XII. SECNAVINST 1640.9C Chapter 3 Section 4 3403

Some examples of these violations are:

- I. I witnessed (b)(7)(c) make Pre-Trial Prisoner (b)(7)(c) to stand at attention while he yelled at him and saying degrading words/phrases to him in front of multiple prisoners. He told the Pre-Trial Prisoner "I don't give a F*** if you think the Disciplinary report (DR) I wrote for you is Bull S***! That's why you shouldn't be a criminal and come to f*****g prison. You're a prisoner and I'm a guard when I say jump you ask how high!"
- II. (b)(7)(c) told the dorm (housing unit) I am assigned in to "Stop that!" to which we asked "Stop what?" and he replied "Stop being stupid!" simply because for a brief moment we had laughed while waiting to depart for chow.
- III. (b)(7)(c) also has yelled at me and fellow inmates to "Sit the f*** down, Shut the f*** up, and watch f*****g IV! Unless you want me to come and visit you in your cell at night." "Sit your f*****t a** down before I make you." He then apologized and stated he was only making a "joke".
- IV. There is sexual harassment and sexual misconduct, and just by making sexual "jokes", statements, and gestures towards myself and other inmates an example would be while conducting frisks searches after chow by rubbing of the nipples, twisting of the nipples, or statements such as "You like this don't you." (Done by multiple staff members.) Staff always seem to wonder why we get agitated and frustrated the way we do. If only they would talk and treat us fairly like human beings. There is a constant hostile environment and all that we ask is to be approached and treated with respect and dignity. Not just because we would want them to, but so we may feel like we're being treated as adults and human beings with some type of dignity and fairness.
- V. The investigators here at the brig do not do there job correctly by any means. (b)(7)(c) (Command Investigator) does not actually "investigate" nor does she even take signed statements from persons called as witnesses, and nor do the witnesses appear before the D&A board to give details of what really transpired. I myself have requested to view evidence but each time was not allowed to view evidence. I was instead told "I/we can not let you see the evidence despite what you were told."
- VI. While confined at NCBM on many instances I've had to deal with the immorality of staff here at the brig. In (b)(7)(c) I had to deal with a guard (b)(7)(c) who tried to solicit two thousand dollars from me. He was promising cigarettes, gum, and many other items considered contraband here at that the brig. He stole three thousand dollars from a fellow inmate named (b)(7)(c). Staff members who trusted me told me themselves he had "borrowed" money from them with no intention in returning the money. The only reason something transpired was because my Temporary Assigned Duty Command/Unit (TAD/TDY) had mentioned that they heard of this situation. They asked if myself and a former inmate who was also assigned to my TAD Command at the time if we knew of this issue which we confirmed. From there action was actually taken solely because others outside of NCBM knew of this issue and the brig couldn't hide this as they do with many other issues.
- VII. On (b)(7)(c) allowed for me to be verbally assaulted and physically assaulted. One prisoner rushed me and continued to make verbal threats along with racial slurs. Upon my request to speak to the CDO, who was (b)(7)(c) who stated "I'm just trying not to take you to Disciplinary Segregation (DSEG). I couldn't care less what happened. You can go to DSEG too but you're not." I asked the CDO why would I go to DSEG and he stated "Since he hit you and continued to use racial slurs and inappropriate comments you would have to go to DSEG too."
- VIII. Since the time I have been here there is constant prisoner harassment. A recent example of this is around (b)(7)(c) I was constantly told to go take medication by (b)(7)(c) for a period of ten minutes while waiting in-line for breakfast chow. In the brig's rules and regulations it states only "Mandatory" prisoners have to attend medication call, while those who's medications are "as needed" have the option to go. I told (b)(7)(c) before departing for chow I did not have to nor did I want to go to medication call. The entire time he was yelling at me to go while I respectfully stated I did not have to go and did not want to go. The DR was originally written for "Out Of Place, Staff Disrespect, and Disobedience" which was later changed to "Disorderly Conduct and Disobedience." This small example shows you the extent the staff is willing to go just in order to punish a prisoner in any way. It was suggested by my Unit-Team Manager (b)(7)(c) to be dismissed, however the DR still went to a board and I was punished after they tried to force me to take non-mandatory medication when it could have been downgraded to an Observation Report (OR).

IX. Around (b)(7)(c) I heard in close proximity of myself and other prisoners (b)(7)(c) the Command Duty Officer (CDO) tell (b)(7)(c) the A-1 Quarter Supervisor to not open a cell door for a prisoner to use the facilities. He stated "If a prisoner asked you to suck his d**k would you suck his dick?" Further stating "You might as well suck his dick it's the same thing." The CDO went as far as to tell (b)(7)(c) that if he'd said anything about the conversation that he will do whatever it takes to make (b)(7)(c) life a living hell. This indecent made myself and others feeling very uncomfortable with (b)(7)(c) whenever he is around us.

X. Since the time I have arrived at The NCBM there have been numerous accounts where I have seen vermin and other insects and animals here at the Brig. There is suppose to be a weekly inspection for pest and other unsanitary conditions. The very place we eat in the galley has huge rats and roaches. In the dorms roaches, snakes, frogs, and many other animals or critters can be found. The only solution to this problem when addressed at Prisoner Committee was "This is the reason that the brig does not have commissary." The Brig would rather abolish the commissary as an attempt to rid The Brig of these "Health Issues" instead of establishing a vermin eradication program or sanitary needs solution.

Those are just some of the issues that we as a whole face everyday here at NCBM. There is a whole collection of actions and issues that need to be solved here at NCBM. I have asked to speak to the CO (b)(7)(c) and the chain of command. I only talked to the CO (b)(7)(c) twice, and she stated "My staff here do their jobs, and they do it well... I do not need you telling me something is wrong or that there is a PREA violation or non-PREA when there is not!" Failing to admit that there is a mess of issues that she along with others fail to observe or even acknowledge that the "job" her staff are doing on a daily basis to be inhumane and morally wrong. I have received a response on a chit from (b)(7)(c) stating "The staff isn't lying and there is no issue." or words to that effect.

I've seen some problems incorrectly addressed, and in time following my bringing attention to these problems, my life only gets noticeably worse "behind the wire." When I have seen a problem addressed here by a fellow inmate or myself have been thrown into "The Spotlight" and become a target for staff here at the brig to strike. I personally have been subject to more random room and body searches, negative ORs or DRs. The retaliation by staff is most often unbearable and demoralizing.

I have spoken to the PREA compliance manager (b)(7)(c) and was told my situation was not a PREA complaint. He stated "It was not said directly towards you and it would have to be said twice." I find that hard that this would not be any sort of PREA complaint when NCBM's PREA pamphlet states "The Miramar Brig complies with PREA and has a zero tolerance policy concerning sexual misconduct, sexual abuse, sexual assault, or sexual harassment." The Brig stopped the complaint as soon as possible, not allowing the proper course of action to take place. Many prisoners that are incarcerated have shared with me their legal cases and I have seen that most are incarcerated here for far less severe circumstances.

"All incidents of sexual misconduct, sexual abuse, sexual assault, or sexual harassment are referred to the Naval Criminal Investigative Service (NCIS) for investigation. Should NCIS decline investigative jurisdiction, an administrative investigations shall be conducted internally by Brig Investigators." Is what is stated in the NCBM's PREA pamphlet, however the complaint was instantly kicked to brig investigators. I filed the complaint on (b)(7)(c) but was addressed on (b)(7)(c) After initiating the PREA complaint I have noticed a series of hardships coming from staff. Simply not because they want to but because they are told to by their supervisor (ie. CDOs or higher, usually the CDO.) Since this recent PREA complaint I have anxiety that I am facing disciplinary action for any small infraction they deem "DR worthy".

We are basically groomed here to just shut up and not speak out on things that are wrong simply because we are prisoners and what we say does not matter. We are subject to many of the questionable rules the corrupt guards make up. We are then told to do a task that we should not be doing. When it has been brought to the chain of command for handling of the situation we are typically dismissed, being told "Just do what staff says and there will be no issues." No matter what we say or do we are always told "Follow the last order given" which is in the rules and regulations as a rule to follow. That seems to be the blanket statement for all staff here. The mentality of the staff is unacceptable in terms of assisting us to transform as contributing members of society.

Anything and everything here at NCBM can be deemed a rule violation and we are then in turn subject to additional unnecessary negative paperwork. More often than not a DR, at the end of the day as far as the staff is concerned always boils down to staff vs. prisoner. Staff always tell us they are going to trust their own before anybody else (ie. believing other staff rather than the prisoners anytime). Every time I've raised a concern I feel as if I'm facing backlash from the staff, and risk being targeted and picked on simply for stating the wrongs I see everyday. After mention of wrongs I have then been targeted even for the smallest of things and then bare false DR's that have been written so that myself or others can be punished. DR's are written in a way that takes our words or actions out of context just to have a punishment imposed, thus lacking true justice.

There seems to be a lack of separation mentally, physically and emotionally from their peers they work alongside with making the whole process harsher on us. It's a very unbalanced system from when a DR is written all the way through to the D&A Board "Findings". Almost all the time when a DR is written the member will be found guilty and the administration decision will result in loss of earned time, loss of incentive level, and loss of privileges up to 30 days. These DR's carry severe negative impacts during the term of confinement and in some cases after. The boards are rarely unbiased and reviewed on an individual basis. The board is suppose to consist of three members outside of the situation. On several occasions I have witnessed where two of the three members are from the same office or work center where one is the subordinate and the other their direct supervisor. No one is willing to go against their supervisor here, even though it may be the just thing to do.

The appeal process is suppose to allow you to state your side and further explain what really occurred, or was said, but because no one here cares to do their job they only go off of what the fellow staff member has said or done. The Commanding Officer (CO) will tell the prisoner that the administrative actions will stand as adjudicated. Everyday rules are being enforced that are simply not in our rules and regulations, but are covered under a "common sense" rule that states "Follow the last order given even if you know it is wrong."

(b)(7)(c)

feel an unannounced outside investigation from the Department of Defense (DOD), Bureau of Prisons (BOP), or any outside investigative team would be beneficial and then all can see the issues here at NCBM for what they really are. Millions of tax payer dollars come into this place (which looks good on paper) all the while we suffer and are constantly told that that the brig has no money or funds to support the programs that are needed.

In addition money is spent on food here to which the quality is debatable but instead is bought to fit in a budget. Some of the food containers are even labeled "not for human consumption" but yet we eat it every single day. The quality is worth questioning. The amount of food thrown away is even more wasteful. We could use the left over food as compost for growing our own plants and numerous other things. Usually there is an overage of food than there is a lack of. That's just money being thrown away literally. Now the galley staff are beginning to cut back on the "more-expensive fruits and vegetables in order to save money. Now cutting back on nutrition groups needed for our bodies to preform at a proper state daily.

Program funding isn't used in an efficient manner, or in any way that could benefit the brig or prisoners. There are Department of Labor programs that could be beneficial to inmates here but instead are given an abridged or diluted education, and the inmates' don't even get a chance to practice the new skill they were just certified in. The brig only allows prisoners to join these programs within a year from release because NCBM has said they do not want to have to re-certify someone let alone a whole group of people many times during incarceration.

No payment for work and services is rendered other than the mandatory monthly \$30 of restricted government funds in which only the very basic necessities may be purchased. On average, work hours are 140-180 hours per month in various skilled positions that either directly give back to the brig, are outsourced to base squadrons, the VA, or are outsourced to bases within the vicinity. The labor and industries reports to the local commands show how much money they save by having the brig's prisoners make the products since the prisoners here do not get paid. The brig has a contract with the VA to sandblast headstones for new graves or as a replacement for worn or damaged headstones. Squadrons, bases, commands, and the VA only pay for materials not the labor. These are things that require skilled training and often extensive man hours.

On a daily basis there are many negative staff-to-prisoner interaction, from behavior and conversations, to personal relations. With no real oversight of this place the staff becomes complacent. They feel that they can talk to us in any manner that they please, and its because of these mindsets and attitudes, and the way they approach myself and fellow inmates that creates a hostile environment. Those same actions take from the "Respect" given up and down the chain of command, as well as between staff and prisoners. Anything that happens here is kept under lock and key or even just swept under the rug in hopes that no one becomes curious or notices that the brig is full of corruption.

The brig is low on crime, violence, contraband, and any other negative thing that might otherwise happen in a real federal prison, yet people constantly feel down and less sure of their futures because of our mental states are so low due to constant instability of this facility. Prisoners are being denied parole because they can not secure a job. How can you secure a job when you have virtually no access to the outside world?

You're expected to secure a job before release, but we can't simply because we have no internet access that the Bureau of Prison's inmate system is allowed access to. Some people here have no friends or family on

the outside that can help them attain a job so they have no choice but to serve a whole sentence and not have a steady foot on the outside upon release. Staff isn't allowed to make contact on our behalf so it leaves some with no choices. Inability to secure outside "accommodations" can result in severe disciplinary actions, up to/including further court action for "failure to abide posted regulations/follow orders".

We aren't given the same benefits the Federal Bureau of Prisons system have and use. Other facilities that house major criminals far worse than those housed here at the brig have access to these things, and yet we are left with no internet, no way to call and secure jobs prior to release. Most things are done via internet now a days like applying and securing a job. Other things that the B.O.P. have are gaming systems to use on their down time, prison grade tablets for personal/educational use. We don't even have these options, nor do we have the option to buy food or items we may want or need, though people in an actual federal prisons may access.

If you have a short sentence than you can't even join certain programs because the brig deems you "ineligible", or even gain higher incentive levels do to short sentences. The range of incentives can be anything from an extra hour of your cell light on after TAPS, wristwatch, CD Player, more books in your cell, DVD player, or a water-bottle.

The brig makes people feel that they have to "volunteer" for treatment otherwise they will be subject to disciplinary actions, or even will be held at a low incentive level regardless of how long you've gone without a write up. For a level II, medium grade facility it sure is ran like its a maximum security prison. The max time to serve here at NCBM is 10 years or less and more than half of the brig's population range three to five years, with many having to serve their full term in prison.

This is a Naval facility and is combined with all branches, but more than half of the staff that enforce the rules are Marines who have a completely different understanding of the rules and regulations and punishments that are to be based on the severity of the infractions. The way they treat and talk to us is in a degrading and dehumanizing manner. This facility holds all five branches but they are not represented equally by the staff that works here. It doesn't help that you have former marines who work here as counselors or other key roles of the staff and still see those whom they've served with on a daily basis and will always take the guard's side, making it completely unbiased.

The brig seems to be "low on manning" which is why they can not do certain programs, or even resolve the issue of over crowded dorms (housing units). We have empty housing units that could be used but are currently "unusable". I find it odd that we are "low" on staff but when a code is called all of a sudden there is a flood of staff running to the location that the code was called for (medical emergency, verbal disturbance, physical altercation, etc.) Anywhere from (b)(7)(c) guards may automatically show up just for a code but once secured from the code the staff is magically unavailable once again.

Some of the counselors and case managers we have within the dorms (housing units) feel helpless as to how to help us without them being stepped over and disregarded just because they are civilians. When they have tried to raise our concerns they are dismissed and disregarded. Some of the counselors/case managers that work here have actual experience in civilian prison systems. Counselors and Case Managers such as (b)(7)(c) and (b)(7)(c) have actually assisted in opening new federal prisons with all new programs, and many things that we are not provided here. They have experience in properly running and being part of the prison system, but for some reason here aren't listened to or given the time of day.

Since most staff are Marines, the higher ranking Marines will come together against them and state that their experience pretty much doesn't matter. Its not right nor fair, that they are disregarded or disrespected when they should be listened to. I would understand that the staff is doing there jobs if they didn't say things like "We'll get them one way or another."

I wish that there were laws in the UCMJ that were up to date or at least compatible with civilian laws. The UCMJ violations vs. Civilian Law does not align efficiently causing many troops to be held to a higher standard in the military than they would outside of the military system. Many of the charges leveled in the military can occur within civilian law and by comparison military members are judged more harshly for the same crime. Cases in which there may not have enough supporting evidence to move forward in a civilian case have somehow become confinement worthy under the UCMJ and military courts-martial. The reason I bring this up is because I along with others are told by staff that this facility is run in a way under certain guidelines and regulations for the purpose of returning us to active duty.

For the vast majority this isn't the case, in fact for most its not the case. Truth is very few "members" will actually return to active duty, not because many wouldn't want to return, but because most aren't given the opportunity to return. That doesn't seem to be understood by the authority or anyone who works here at the brig. If there can be more done to extend a second chance, I am certain many people here would love to return to service.

I personally would love to return to service. My time out to sea and being deployed to the Persian Gulf was fantastic and I loved every second that I was among the ranks. Many like myself love their country and would do anything to go back to a life defending freedom and democracy around the world, across the seven seas, and even from home in any way possible. We all took an oath, the same oath you took as well. You see not many would choose to enlist, or join the military. Many people say they will but only very few do, but I chose to join, and I love what I did for the military and my country.

All my experiences have been nothing short of fantastic. Nothing could compare to my time in the military and these are memories I will treasure for life. (b)(7)(c)

(b)(7)(c) I couldn't have asked for a better group of people to be around while in the military and I'm very fortunate that I had them along this great experience of life. I made friends and memories of a life time.

This is the fourth letter I have written without receiving a response or some course of action. At the end of the day I am bringing these pressing concerns to light in hopes that someone outside this chain of command can evaluate it all on a much higher, fair, just level. I was once told "A closed mouth won't get fed." That goes tenfold here. If it is never brought up or brought to light, then things can never change or be expected to change. These issues have been brought up on the lowest level with zero results and if we pressed the situation any further we were putting ourselves in the "spotlight" and face retribution/retaliation from the brig staff against myself and fellow prisoners. I fear for the safety of myself and the safety of others as this command seems to get more hostile by the day. I thank you in advance for your time in this matter and I look forward to your reply at your earliest convenience.

Very Respectfully,

(b)(7)(c)

(b)(7)(c)

Can you please write "Privileged Correspondence" on the envelope to keep this matter private. Thank you.

COMPLAINANT PROVIDED
FOUO

(b)(7)(c)

From: (b)(7)(c)

To: Secretary of the Air Force Inspector General SAF/IGQ

Subj: Attempted Sexual Assault/prisoner on prisoner and denial of Special Victims Council contact.

1. I **Don't** wish to remain anonymous.
2. I **Don't** want confidentiality.
3. Are you willing to be interviewed? **YES**
4. The Person /Command responsible for the wrong doing?
(NCBM) Miramar BRIG Commanding Officer/ Executive Officer and staff members.
5. Please view attached 6 page typed documents for detail grievance report.

6. Please contact me for any additional concerns or questions that may arise as a result of my submission of this letter. I would also like to take this opportunity to thank you for your time on this matter.

(b)(7)

(c)

By submitting this form, you certify that all of the statements made in this complaint are true, complete, and correct to the best of your knowledge and/ or belief. You understand that a false statement or concealment of a material fact is a criminal offense (18 U.S.C section 1001; Inspector General Act of 1978, as amended, section 7; and/ or the uniform code of military justice, article 107). This information is submitted for the basic purpose of requesting assistance, correcting injustices affecting the individual, or eliminating conditions considered detrimental to the efficiency or reputation of the Navy/ Air Force.

(b)(7)(c)

Do— Consent to release my personal information inside official channels in order to resolve the matter(s) listed above. I understand that if I do not agree to release my personal information, my request for assistance may go unresolved.

Very Respectfully,

(b)(7)(c)

On (b)(7)(c), I went to Labor and Industries breakfast chow. After breakfast all shops went to L&I, random frisk searches were conducted. Upon completion of searches all shops were told to wait in the ware house for shop supervisors to show up to work. Three to four different shops were in the ware house. I found a "computer chair" to sit in while I waited for further instructions. I got comfortable and leaned back in my chair with my hands on the backside of my head. 10-15 min had gone by and I noticed a more comfortable "computer chair" was available to sit in so I moved over to the second chair, and went into the same tilted back position with my hands over my head as I was previous in the other chair. I shut my eyes. I began to day dream and approx 10-15 min later I felt a presence of someone behind me. I figured it was someone messing around with me in a manner because they new I was trying to sleep. So I ignored them and didn't look behind me. A few seconds went by, and I still felt someone behind me, something was touching the back of my hands/head. I still ignored them. Maybe 10-15 min after that, a guard had called "Stone Engraving" (my shop) to start heading out to our shop because our shop supervisor was here now (b)(7)(c). My shop left the ware house at that moment. Ten to fifteen guys behind (b)(7)(c) heading to Stone Engraving. Once in stone engraving I went around the shop for a few min getting ready to start sand blasting tomb stones. I'm in the back booth blasting when another prisoner (b)(7)(c) comes up to me and states "it was messed up what (b)(7)(c) did to you in the ware house." I looked at (b)(7)(c) and said "what?" he repeated himself again, and I asked him what (b)(7)(c) did, (b)(7)(c) ates to me that when I was sitting in the computer chair in the ware house with my eyes closed (b)(7)(c) was standing behind me with his groin near my back on my head/hands making some kind of sexual gesture behind me, and that he thought (b)(7)(c) may have touched my hands as I was day dreaming. I told (b)(7)(c) thank you for telling me and I continued working. After working for 15-20 min after speaking to (b)(7)(c) about what happened in the ware house I began to realized that I was correct when I felt someone behind me in the ware house. I immediately felt extremely uncomfortable that I had been that close to someone in a sexual way when I had never indicated to (b)(7)(c) that; that was an okay behavior that he could do. Not to mention (b)(7)(c) was working in the same shop as me right on the other side of the wall I was on. I turned off my sand blaster and went straight to my shop supervisor (b)(7)(c) and notified him that I want to speak with the BRIG PREA compliance manager. (b)(7)(c) asked me if I was alright and if I wanted to speak to him about anything, I respectfully declined and told him I would like to speak with the PREA compliance manager. He told me give him a few min to make some calls. I left and went back to work. Approx 5 min later (b)(7)(c) waves at me we go into his office and he tells me that I need to go see the CDO at guard mount. I went to guard mount and spoke to (b)(7)(c) asked me what happened and I told him, he was filling out a PREA report form at the time. After he completed the form, he and the (b)(7)(c) told me to wait in guard mount. They were gone for 20-25 min. they both came back and told me (b)(7)(c) had been removed from Stone Engraving and that I would not see him during the course of the PREA investigation. I asked for a SVC at this point, and they both told me I would get one during the course of the investigation. I was sent back to work. As I was walking back to stone engraving (b)(7)(c) stops me and asked if I wanted to switch jobs and asked how long I've been in stone engraving. I told him I like stone and that I started working there around the end of (b)(7)(c) and at that moment didn't want to be moved, he said okay and that I would stay in stone engraving. On the same day (b)(7)(c) I went to L&I lunch chow, and I already began to hear rumors from other prisoner's about something happening to (b)(7)(c) and that he was placed in MSQ (Male Special Quarters), of course I knew what happened but I kept it to myself. (b)(7)(c) told me not to speak about what happened as the investigation was on going. After chow I went back to work and continued the day. I finished work, went back to my dorm (b)(7)(c) worked out on the treadmill, showered and waited for dinner. (b)(7)(c) calls me into his office and we speak about minor details about what happened. He asked if I needed anything and I requested to speak with the Brig Chaplain, (b)(7)(c) said he thinks the Chaplain isn't in the BRIG but he would go look for him. I went to dinner, yard call, and back to my

dorm and no chaplain or (b)(7)(c)

(b)(7)(c) went to L&I breakfast as normal and then stone engraving. (b)(7)(c) my shop supervisor took a sick day of leave... We had (b)(7)(c) watching us approx 1 hour into my shift I was feeling un-easy about what had happened the previous day so I went to go speak to (b)(7)(c) my guard, and told him I want to speak to the BRIG Chaplain. He asked if it was related to what happened the previous day and I said yes. He made a call to the chaplain and he sent me to go see him. As I was passing production control (b)(7)(c) asked where I was going I told him the chapel, he asked "why the chapel?" and I told him (b)(7)(c) called down and chaps said I could come see him. (b)(7)(c) did a frisk on me and I was on my way to the chapel. I was at the chapel and told the chaplain what happened and that I was seeking "words of wisdom" he stated several times to me "well I don't mean to say this but it could have been worse" "it could have been worse" "its not that bad" and he said a prayer with me and I left back to work. I got back to work and (b)(7)(c) walks up to me and says "I have a question for you" I asked what is it... he ask "I heard (b)(7)(c) is in MSQ because you threaten him because what he did to you" I looked at him confused and told him it wasn't true and dismissed his question. I walked into the wash room in stone engraving and a few of the guys are talking about what happened in the ware house. I'm confused because I was told not to tell any one which I didn't. I over heard (b)(7)(c) talking about him personally seeing what (b)(7)(c) did to me behind my head as I was leaning back. I asked (b)(7)(c) why did didn't tell me earlier right after it happened and he didn't answer my question. I dismissed it and went back to work. Work was over a few hours later and I went back to my dorm worked out and showered. I go to dinner and come back to my dorm and everyone is talking about how they heard from (b)(7)(c) and (b)(7)(c) (b)(7)(c) (both work in production control of L&I) that (b)(7)(c) did something sexual to someone and that a PREA complaint has been filled and that I was the one that was the victim of (b)(7)(c) wrong doings. No one specifically asked me anything personally I just heard all of the side chats.

On (b)(7)(c) I go to work, normal day, we get sent back to the dorm early because we had a delivery of stones to the cemetery. While at work everyone is still talking about why (b)(7)(c) isn't at work and asking me "what did (b)(7)(c) do to me in the ware house." At this point I am really confused at wondering how people knew what happened. The only thing that comes to mind is that guards in production control at L&I either directly or indirectly talked about it around prisoners or directly told prisoners who work in production control. I dismissed the questions because I am embarrassed that something like that had happened to me and I wasn't being watch/protected by the guards and I was left in a position to where something like that could have happened.

On (b)(7)(c) 20-30 min before L&I lunch I was sent to guard mount again to speak to (b)(7)(c) (b)(7)(c) and NCIS about what happened. Before beginning conversations with NCIS I said to NCIS **"I want a legal council"** to speak with about what happened. The agent just stated he was getting the facts about what happened. So I answered his questions. After the interview, I was released to (b)(7)(c) (b)(7)(c) and I asked (b)(7)(c) **for a SVC** and explained to him what a SVC was, he directed me to (b)(7)(c) who works in the BRIG legal office, I briefly told her what happened and that **I want an** (b)(7)(c) **SVC** because I am still (b)(7)(c) and I feel that I was a victim of a crime. She takes some info from me and another (b)(7)(c) states I need to drop a chit to legal requesting to speak with SARC. So I go back to my dorm and I fill out my 510 chit and hand walk it to (b)(7)(c) and inform him **I want to talk to legal/SARC** and here is a chit for it. He said he would look into it which he did. Approx 30 min later (b)(7)(c) (b)(7)(c) calls me in his office I fill him in on a few details he makes a few phone calls, and tells me (b)(7)(c) will speak to us about SARC. So we leave the dorm and walk to medical, shes not there so we walk to L&I production control. She walks out in the main office which is a passage way, (b)(7)(c) is there on the

computer, in the hallway prisoners are walking by and in the next room (the ware House) prisoners are still working. (b)(7)(c) says out loud to me "before you say anything about SARC are you making a restricted report or a unrestricted report?" I told her I already filed a PREA so it is unrestricted and she says "before you say anything else I don't want to be involved if you don't want me to be." I told her I have no preference. I then look at (b)(7)(c) and say "this is exactly what I'm talking about I have no privacy at all, all of these conversations they are happening out in the open no wonder all the prisoners know what is going on." He apologizes and (b)(7)(c) and (b)(7)(c) take me into a back office. (b)(7)(c) states she doesn't have the form to take my SARC report so I'm going to have to wait until 1700 the same day (approx 2-3 hours) until some other BRIG SAPR representative on the night shift comes in. (b)(7)(c) was in a hurry, already had her bags in her hand ready to leave work. Here I am, a prisoner attempting to make a unrestricted SARC report to a BRIG SARC rep and she is blowing me off, saying she doesn't have the form and that I have to wait and she cant do anything for me. She goes home (b)(7)(c) takes me back to my dorm a little later (b)(7)(c) ask if I got into contact with legal I told him (b)(7)(c) told me I had to wait until 1700 to make a report, he said okay.

On (b)(7)(c) approx 1700 comes around nothing happens between 1700-2000. I wait patiently to be called to file a report with SARC. No one calls me down. The CDO (b)(7)(c) comes in my dorm to do his round checks. I walk up to him and ask if I could speak to him in the hallway really quick in private he says about what I tell him I was suppose to be called down by a SARC Rep to file a report he said oh yeah that s right, I'm busy now though I've been doing intakes since I've gotten to work. I said okay and he states that he will look into it. Now its T.A.P.S. (lights out/bed time) at 2200 and he never came back. I have used my chain of command since (b)(7)(c) from my shop supervisor (b)(7)(c) to the CDO's that morning (b)(7)(c) to the NCIS agent that I spoke to, to both the BRIG legal (b)(7)(c) to the Brig Chaplain, to (b)(7)(c) and finally to the installation "SARC" Rep... and everyone has blown me off about my concerns The guards are sharing personal information with prisoners and rumors are getting spread. Everyone in the BRIG knows now that I filed a PREA report against (b)(7)(c) and that I spoke to NCIS. I had requested several times to different people that I want to speak with a SVC. Twice on (b)(7)(c) to (b)(7)(c) (b)(7)(c) once to (b)(7)(c) Once again on (b)(7)(c) to (b)(7)(c) (b)(7)(c) again. Four times on (b)(7)(c) NCIS agent, BRIG legal team (b)(7)(c) and (b)(7)(c) And twice on (b)(7)(c) once to (b)(7)(c) and (b)(7)(c) and the installation SARC rep. I feel that I was victimized when I was in that chair in the ware house, another prisoner attempted to sexually assault me when he placed his penis/ groin near my heads and head, and no one at the BRIG is doing anything about it other then spreading gossip about what happened.

On (b)(7)(c) I went back to guard mount again due to requesting through (b)(7)(c) at work that I wanted to speak with the on duty CDO. The CDO that day was (b)(7)(c) Spoke to them about the events that had happened this week and my frustration with the whole process. I requested legal council again through them both. They said they would notify base SARC office. I left and went back to stone. 30 min later I was called back down to guard mount (b)(7)(c) the Installation sexual assault response coordinator (SARC) was at guard mount. Spoke to her she never asked me what happened no details about any incident involving me. She said "the BRIG said you had a few questions for me?" I told her that I felt victimized on account of what happened on (b)(7)(c) (b)(7)(c) She said since contact was never made that she couldn't do anything with SARC for me. I told her that (b)(7)(c) tried to put his penis/groin on my hands/behind my head and she said since no contact was made it wasn't anything SARC would do with this and that I have no case. I then asked for a SVC, she asked why... I told her I wanted to speak with one to make sure legally everything was

being done correctly. She said it was Friday and she had a lot of meeting that day and that she would try to get a SVC to contact me sometime next week. I've made an PREA report about an attempt of sexual assault against me on the (b)(7)(c) and on the (b)(7)(c) she saying shes too busy to contact some SVC for me and that she has meetings all day and I have to wait until next week.

(b)(7)(c) called me into his office notified me of "no contact order" from C.O. Against (b)(7)(c) copy of "no contact order" not included in this report). NCO is dated (b)(7)(c) He asked how I was doing, notified him that I was still seeking legal council about what happened, did a quick recap with him over what happened and the days that followed and my continued struggle trying to speak to a SVC. I made it very clear that I am still trying to contact SVC. (b)(7)(c) said he would contact (b)(7)(c) again to notify her of my repeated request. As of now (b)(7)(c) only spent (b)(7)(c) in MSQ, "Duration of investigation" on (b)(7)(c) member (b)(7)(c) was sent back to B4, with no D/R, no LOP status no incentive level drop only a no-contact order against me. (b)(7)(c) notified me today (b)(7)(c) that he was near sewing machines on the day in question (b)(7)(c) and witnessed what (b)(7)(c) had done. To date, (b)(7)(c) all prisoners saw incident live.

(b)(7)(c) was called down to guard mount again, installation SAPR rep was there (b)(7)(c) and a man named (b)(7)(c) (another SARC rep) who is part of wing SARC office. She had me give her my name, social security number, birthday and minor contact info and told me she would submit the form tomorrow—(b)(7)(c) and hopefully I will get a call from an (b)(7)(c) SVC the following week. (b)(7)(c) was updated on guard mount conversation.

(b)(7)(c) spoke to clinical (b)(7)(c) about emotionally whats been going on, she was supportive said we would check back in two weeks.

(b)(7)(c) spoke to my appeals attorney about incident, of which he gave SVC (b)(7)(c) main contact number (b)(7)(c)

(b)(7)(c) at 0845 spoke to (b)(7)(c) asked him to call SVC #, he said that he needed to get authorization from the BRIG prior to allowing me to call that specific number/ people, due to it being a call that was about something that had happened to me while at the BRIG.

(b)(7)(c) @ 1125 spoke to (b)(7)(c) again to "follow up" with yesterdays attempt at calling SVC, he said he was speaking to the C.O. later today and would bring the question up and see if I was "allowed" to (b)(7)(c) SVC representatives.

(b)(7)(c) spoke to (b)(7)(c) told her still no SVC contact. She said she would contact installation rep today to follow up with her (b)(7)(c)

(b)(7)(c) while lining up for L&I breakfast chow approx. 0545 spoke to (b)(7)(c) again asking about if she had spoke to (b)(7)(c) the previous day like she had told me she would. She replied saying that she "forgot" to call her, and said she would call her today and check the status of my SVC...

(b)(7)(c) approx. 0915 spoke to (b)(7)(c) to follow up with if I'm allowed to call SVC number and if the C.O. gave him authorization. He told me that he did not speak to the C.O. about it yet and that he would have an answer for me some time today...

(b)(7)(c) placed I.G. Interview form in C.O. Request chit box.

Subject: (prisoner to prisoner unwanted sexual contacted/attempted sexual assault)

Discussion: On (b)(7)(c) another prisoner had placed his groin on the back on my hands/head in an unwanted sexual way. I had made a PREA report and over a dozen attempts/request to be allowed to call a special victims council. (SVC) and the BRIG has prevented me from doing so. I had spoken to several people about what happened to include NCIS, CDO's, my unit team, the installation sexual assault response coordinator and countless of other BRIG staff members all of which have not allowed me my right as a active duty member to seek legal council.

Requested action: I respectfully request to be allowed to make my legal phone call to an (b)(7)(c) special victims council, or a similar individual.

(b)(7)(c) after L&I lunch Chow, I spoke to (b)(7)(c) "followed up" from last weeks conversation. She said (b)(7)(c) (SARC) representative from base contacted here and told (b)(7)(c) that she has been busy and still has not processed my SARC report with the (b)(7)(c) also told (b)(7)(c) that she told me at our last visit that I didn't have a "case" which (b)(7)(c) relayed that message to me. So according to (b)(7)(c) she has the authority to turn on and off claims of attempted sexual assault reports.

(b)(7)(c) at 1000, I was called down to clinical to speak with (b)(7)(c) again, she was following up with me based on our last conversation. She said to continue working out, eating good, and speaking to people that I trusted. I once again voiced my concerns with being held back from speaking with a SVC, she said to keep trying.

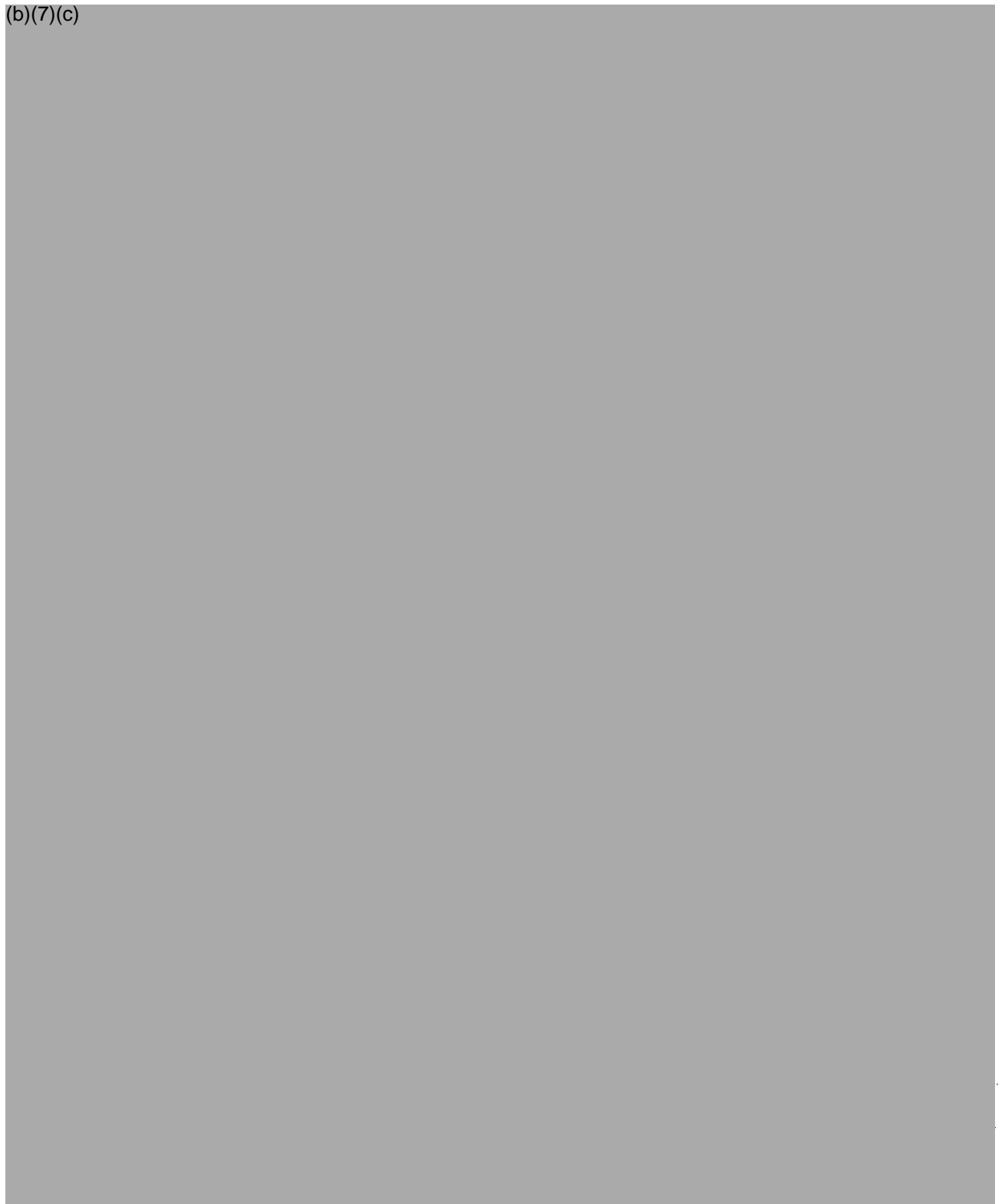
(b)(7)(c) spoke to (b)(7)(c) to follow up once again about getting authorization to call SVC office he told me that he had spoke to the Executive Officer of the BRIG and he had told (b)(7)(c) (b)(7)(c) that I was not allowed to call the SVC number because the BRIG had already handled the incident.

I am a victim of a crime under the UCMJ and respectfully request that I be given every right to seek justice and legal council as an active duty (b)(7)(c) member.

(b)(7)(c)

pg 2 of 2

(b)(7)(c)



(b)(7)(c)

From: (b)(7)(c)
Sent: (b)(7)(c)
To: CNRSW_hotline
Subject: [Non-DoD Source] IG Complaint against Naval Consolidated Brig Miramar CO, XO, CMC and Admin

This complaint is to address the lack of leadership, inefficient, ineffective, self centered chain of command at Naval Consolidated Brig Miramar.

The CO, (b)(7)(c) is nothing but a fraternizing woman who only takes special interest in her favorite sailor and despite professional recommendations from her chief's mess she will still choose those Sailors who she favors (publicly displays this behavior) on evaluations. She is solely responsible for the well fare and treatment of the member under her command and yet she chooses to turn the blind eye and only intervene when it's one of her favorite Sailors.

The XO, (b)(7)(c) He has for sure on the path of destroying the little bit of unit cohesiveness that all the branches and civilians have managed to keep since before his arrival. (b)(7)(c) is rude and disrespectful and has very little respect for the staff members at the brig. He is very unprofessional and has no regard for what comes out of his mouth. There have been many instances where he speaks poorly on the senior leadership like making remarks to member in lower ranks such as "that person needs to take their head out of their ass". (b)(7)(c) has also failed many Navy personnel by not processing leave and TA, among other requests in a timely manner. He literally takes more than the required 72 hours, and he does not correct the civilians on the routing process as well. (b)(7)(c) One day he wants to be your pal the next he is ready to bury you. Since his arrival he has brought more problems than solutions and his treatment of all just make people want to quit, transfer or retire. The CO, (b)(7)(c) was on leave recently and he took advantage of his by direction and acting CO position. He is extremely unreliable and always late.

The (b)(7)(c) needs to be retired at the first chance available. This individual has nothing else to offer the Sailors and the Navy. He has initiative to tell anyone who will listen to his weight loss journey but hesitate on speaking for the member and representing, the Sailor's best interest. He sat back and watch (b)(7)(c) be removed from the command all because his (b)(7)(c) had a personal problem with her. Instead of handling her situation at the lowest level possible she was removed from the command in the worse way possible.

These 3 are draining the energy at the command personnel should be replaced by personnel who are willing to invest in the command.

The admin department needs to be replaced with individuals who can do their job instead of member who complain and say they do not have access to conduct their jobs instead of gossiping of how terrible the XO is. The (b)(7)(c) (b)(7)(c) is a poor excuse (b)(7)(c) and only takes interest in helping those she is likes. Clearly displays favoritism. Secondly (b)(7)(c) has made it clear that she has personal issue that more important than taking care of the administrative things and has blurted out to (b)(7)(c) that she is too busy to take care of important issue.

The (b)(7)(c) who is a CO favorite (we don't know) uses her status of working so closely to the command triad that she starts the gossip around the command. This (b)(7)(c) also (b)(7)(c) (b)(7)(c)

It is already hard to work at a command where we babysit child rapist and sexual offenders but to add poor leadership to the problem is worse. If I knew my this chain of command would not retaliate against me I would share my name and contact information but because people like (b)(7)(c) have been removed under false pretenses. I want to reserve my right to keep my name and contact information confidential.

In the past the CO has conducted a reverse email search to see who filed an IG complaint on her (b)(7)(c) in search of finding out who made true statements to address her (b)(7)(c) fraternization behavior that she continues to display by living with junior personnel in her department.

I hope that CNRSW takes this anonymous complaint seriously and takes appropriate action in resolving all of our issues. If this complaint is over looked once more, we will have no choice but to contact our local senator representative.

(b)(7)(c)

From: (b)(7)(c)

To: Commander, Navy Installations Command Inspector General

1. I do not wish to remain anonymous.
2. I do not want confidentiality.
3. Yes I'm willing to be interviewed.
4. Contact Information- (b)(7)(c)
5. The person responsible for the wrongdoing is (b)(7)(c) Commanding Officer of Navy Consolidated Brig Miramar in San Diego Ca.

On (b)(7)(c) Around 1910 (b)(7)(c) arrived at echo yard for our 1 hour of yard call. Around 1930 I asked one of the three staff members watching use workout if I could use the bathroom. One of the staff members was about to take me to the bathroom farthest from echo yard, but (b)(7)(c) told him don't worry about it he would just let me use the PMD bathroom since it was right next to echo yard. He escorted me to the bathroom and I told him that it might take me about 5 minutes due to my stomach being upset. Well I finished up inside of the bathroom and tried to turn the door knob to leave and I couldn't get out of the bathroom. I thought maybe I was turning the knob incorrectly, but then I noticed there was a hole in the place where the door lock should have been. I'm not sure but I believed this facility made it so that a prisoner couldn't get out of the bathroom unless a staff member let them out. I immediately got scared and started thinking what if a fire was to start I would die inside of this bathroom tonight. I started beating on the door with both of my hands then I started ramming the door with both shoulders for about 30 minutes straight until I heard them call medical call over the IMC which is announced at 2000 Monday- Friday, so at this point I knew that they would realize that I'm not at Med-call and they would start looking for me. They didn't notice that I wasn't missing. Please remember that we had three staff members watching over just my dorm. Well five minutes later I hear the staff members yell start lining up to head back to (b)(7)(c) which is all the way on the opposite side of the prison facility. This is when I really start to go crazy on the door hoping that someone would hear me but no one did and my dorm left me locked inside of the bathroom. I would've tried kicking the door but for the last six weeks I've been dealing with a (b)(7)(c) (b)(7)(c) (b)(7)(c)

hear secure from Med-call which is at 2100, so I get up and start beating on the door and ramming it as if my life depends on me getting out of this bathroom but I could not get that door to budge at all. After about 20 minutes of beating and ramming the door I laid back down and closed my eyes until I heard count which goes down at or around 2140. Then about 20 minutes later I hear them call recount and this is when I know they finally figured out or noticed that I was missing. This is when I figured it was the best time to be found, so I beat on the door and rammed it while screaming please let me out of hear hoping someone will hear me. After about 10 minutes someone comes into the PMD building and they hear me yelling and beating on the door and they finally let me out. The first thing the staff member ask me was, are you OK, do you need anything, and (b)(7)(c) I tell him thank you for finding me and (b)(7)(c)

(b)(7)(c) They escorted me to medical and then back to the (b)(7)(c) I took a shower and tried to take go to sleep but I couldn't sleep.

Here are some concerns I have about what happened to me and other prisoners at Miramar Brig.

This isn't the first time that a prisoner was locked inside of a room and left behind. This happens a lot, prisoners get left behind for meals or left behind for Yard call all of the time. When I say left behind I mean locked inside of there cells while everyone else has left the dorm. This faculty can't keep up with the prisoners, and that's the truth. This facility worries about the wrong things like tucking in shirts, not talking in the hall, standing at parade rest, and giving another prisoner hygiene products that really needs them. I wish this facility would worry about things like keeping up with prisoners and making sure that we have the resources we need for when we leave this place. If I would have did something stupid like try to escape I would've had 160 minute head start before this place even noticed. What if I wanted to hide and take my life or if I would've had a heart attack on the toilet? What if a fire would have started I would not be writing this right now. I didn't choose to come to prison but I'm here and I truly don't want to die inside of this facility. Since this has happen I've become the laughing stock of the Brig and that's coming from staff and prisoners. I try to laugh it off but the things they say is truly starting to get to me mentally. For the last 6 weeks everyone has already been making fun of me (b)(7)(c)

(b)(7)(c) Staff members have said things like man you left the dorm at seventeen and it's now eighteen happy New Year. I'm mentally so tired of being picked on and made fun of by the staff members.

This incident happened on (b)(7)(c) no one haven't said anything to me except the junior staff member saying that what happened to me was messed up. On the (b)(7)(c) I went to medical due to both of my shoulders hurting from ramming into the door. Medical couldn't believe what had happened to me. I'm not sure if medical told someone but the next day (b)(7)(c) (b)(7)(c) gave me a visit at 1342 and told me he just heard what happened. He asked me what happened and briefly I told him what happened and that was it. I believe the only reason why he came was because medical said something or he wanted to see what kind of action I was going to take against the command.

I want to end this with saying as of (b)(7)(c) I've never gotten a DR or Negative OR. I have had 2 verbals that's it. This facility is known for targeting prisoners for filing complaints against them. I don't want to become a target but if it happens at least it will be noted inside of this report. Thank you for taking the time to read this.

I haven't talk to anyone else except the names noted on this report already. Additional Information could be provide by Medical about what happened, I myself cannot get that information but you all can if its needed. The point of contact for medical is (b)(7)(c) (b)(7)(c)

(b)(7)(c) By submitting this form, you certify that all of the statements made in this complaint are true, complete, and correct to the best of your knowledge and/ or belief. You understand that a false statement or concealment of a material fact is a criminal offense (18 U.S.C section 1001; Inspector General Act of 1978, as amended, section 7; and/ or the uniform code of military justice, article 107). This information is submitted for the basic purpose of requesting assistance, correcting injustices affecting the individual, or eliminating conditions considered detrimental to the efficiency or reputation of the Navy.

(b)(7)(c) I understand that if I do not agree to release my personal information inside official channels in order to resolve the matter(s) listed above. I understand that if I do not agree to release my personal information, my request for assistance may go unresolved.

(b)(7)(c)

(b)(7)(c)

From: (b)(7)(c)
Sent: (b)(7)(c)
To: CNRSW_hotline
Subject: [Non-DoD Source]

* I am sending this report to address a couple of things going on at the Miramar Brig. I am asking that my email address be kept confidential and protected. If it must be revealed, that it only be to tell me that an investigation has been started. The minute I sense I am being targeted or reprisal against, I will go to a higher authority and report this hotline and program as ineffective. Believe me working at the brig everyone knows everything. As you continue reading you will see why.

(b)(7)(c) has lost the trust of miramar staff with her actions. The XO is even worse. Though all three persons in the triad are trash. This report will be mainly to address the commanding officer since she is the top and is not setting the example. I thought about filing an 1150 but she might use some reprisal form and get rid of me.!!!!!!Please send replacements for the triad!!!! We need good officers not those were just sent here to retire. We do not need (b)(7)(c) to lead us. They already can't lead by example.

1) Abuse of authority/position. (b)(7)(c) has abused her authority and position by printing out an IG Complaint filed against (b)(7)(c) who's last name (b)(7)(c) on the complaint. The complaint was for fraternization with (b)(7)(c) her department. The (b)(7)(c) failed to have a thorough investigation conducted. The (b)(7)(c) also provided a printed copy of the IG Complaint to (b)(7)(c). Both (b)(7)(c) and (b)(7)(c) conducted a reverse email search via spokeo and google to track down who was the person that anonymously filed the IG complaint. The reason why I know of this is because as I passed by (b)(7)(c) office she waved at me to stop by and I did and she showed me. When I asked her how did she get the report since those are confidential? She said the XO=(b)(7)(c) gave it to her because she had a right to know who filed a complaint against her. (b)(7)(c) also told me that her department head, (b)(7)(c) for the purposes of the investigation lied and stated that (b)(7)(c) was not (b)(7)(c) or the department LPO. Yet, on her eval her title was LPO.

(b)(7)(c) failed to correct the fraternization behavior displayed by (b)(7)(c) (b)(7)(c) since then continues to fraternize with junior members from her department. Since that initial IG complaint (b)(7)(c) continues to fraternize and now lives with (b)(7)(c) both junior personnel in her department (b)(7)(c). This is prejudicial to good order and discipline at the command and if investigated thoroughly will be found substantiated.

(b)(7)(c) has abused her authority and position not only by the facts stated above but also by being aware and having knowledge that (b)(7)(c) (b)(7)(c) and (b)(7)(c) claim that she cannot walk and was given a parking spot at (b)(7)(c) and above parking lot. (b)(7)(c) claiming she has (b)(7)(c) to everyone has a second job as a waitress in a pizza parlor, which the (b)(7)(c) has knowledge of. There are also various photos of her on bar tops dancing at (b)(7)(c) in a public space at the brig (b)(7)(c) asked (b)(7)(c) 'if she was bad this weekend'. Photos are displayed on (b)(7)(c) page name (b)(7)(c) yet she fakes a limp to walk to work. The (b)(7)(c) is aware of all these actions from (b)(7)(c) yet is an enabler and the whole brig sees this. The (b)(7)(c) stated before that "she spreads the flame evenly across all ranks and personnel" but that is also false. (b)(7)(c) gives preferential treatment to (b)(7)(c) and turns the blind eye when reports are made. (b)(7)(c)

(b)(7)(c)

(b)(7)(c). We believe this is due to the (b)(7)(c) having command influence when she hosted "training" on what was suppose to be eval but ended up being her explaining her action to all the Navy Personnel.

Ethics violations= She has violated the Navy's Ethics policies by not doing the right thing and not holding personnel accountable for their actions.

Mismanagement/organization oversight (significant cases)- As stated above she does not have control of her command, that is why many elect to transfer early and most decide to get out. (b)(7)(c) is a toxic person in a leadership position. She has conflict with the executive officer and does not care if her opinions of him are displayed amongst the staff. The (b)(7)(c) and that corrections is not her thing. This does not make anyone like working there when from the very top, the (b)(7)(c) does not know her own job, and therefore the rest of the leadership fails the junior staff.

Reprisal (military whistleblower protection- The (b)(7)(c) has made it very clear that it damn nearly impossible for anyone to make any type of report because she claims she has friends everywhere who will tell her who and where a report comes from. This being one of the main reasons people do not come forth.

* (b)(7)(c) asked her (b)(7)(c) a question on how would she be able to file a complaint against the CO or an IG she felt her eval was unjust. It was just a question. The (b)(7)(c) instead of directing the (b)(7)(c) to the appropriate office, went to the CO, (b)(7)(c) who was then XO and said that the (b)(7)(c) intended to file a complaint. The member was then framed and put under a false investigation in which she was accused of fraternizing with a prisoner. Even though the allegations were unfounded, (b)(7)(c)

* (b)(7)(c)(b)(7)(c) made a statement and disclosed to (b)(7)(c) (b)(7)(c) The command once more put another sailor under the false allegations of a prisoner saying that (b)(7)(c) was mistreating them. The allegations were later dropped when (b)(7)(c) said he would make a report. At the end of tour the member was not giving an EOT despite his performance which was not below a 3.8.

* (b)(7)(c) a (b)(7)(c) suffering from (b)(7)(c) was neglected by the command and instead of the command (triad) ensuring the member was okay, the (b)(7)(c) did not make it a priority to ensure him and his family were okay. When the member addressed it at his checkout the reprisal was on his eval.

* (b)(7)(c) another case with (b)(7)(c) (b)(7)(c) the member had a problem with her eval and the treatment she was receiving from (b)(7)(c) (b)(7)(c) The (b)(7)(c) were not helping the member and started making the member's life difficult just because they did not like the member. The treatment from (b)(7)(c) towards the (b)(7)(c) caused a lot of anxiety to the member and unneeded stress. (b)(7)(c) worked towards getting the (b)(7)(c) removed and the (b)(7)(c) was onboard, instead of addressing the (b)(7)(c) in an appropriate manner and giving her the tools to correct her deficiencies (if there were any) the (b)(7)(c) sent a message that the (b)(7)(c) was not qualified for special program. This was the worst form of reprisal because (b)(7)(c) (b)(7)(c) only made suggestions to the brig and the systematic problems, like the command fitness program, by laws. She questioned a lot of (b)(7)(c) as what were they doing to help with the Sailors career and that is when (b)(7)(c) the two who mostly skate out of work decide to get her out of the command.

* To my knowledge there is currently a sailor receiving reprisal due to the influence of her civilian department head on (b)(7)(c) is knowingly choosing to ignore the member. The member is due to leave at any time now but due to the influences of (b)(7)(c) and the civilian department head the member is having a hard time about doing basic things like taking leave before she reports to her next command. Also in the admin area and thanks to a big mouthed (b)(7)(c) it is rumored that she will not be receiving an end of tour award nor a good transfer eval just because she is not liked. Reprisal for what? No one can tell me this is not a form of reprisal. Like I stated before (b)(7)(c) has no control of her command and the manning since she is so easily influenced. Are you kidding me?? What happened to grading and rewarding personnel for their performance? I have wanted to ask this member who is (b)(7)(c) at the brig to tell me what is going on with her since she seems disconnected and no longer engaging with her happy personality

like she use. She looks stressed and unwell. I have seen her go to (b)(7)(c) now, and I can tell he has been ineffective. I would know being that when I talk to him it ends up being a talk about how (b)(7)(c) Give me a break.

I hope this has not been a waste of my time. There is truth to the stigma about working at any brig, it is disappointing that as a leader I must go through these means to have fraternization addressed and bring to light to other facts. It is no wonder there is loss in confidence and why the wrong people are getting promoted.

*

(b)(7)(c)

MEMORANDUM

From: (b)(7)(c)

To: Commander, Naval Region Southwest (CNRSW)

Attn: Inspector General

Subj: FORMAL GRIEVENCE COMPLAINT FOR HOSTILE WORK ENVIRONMENT ICO
(b)(7)(c)

Encl: (1) Detailed event list

1. (b)(7)(c) it truly pains me to write this letter today.

However, I feel I can remain silent no longer. My working environment at Naval Consolidated Brig Miramar has become extremely hostile, and I must respectfully request that measures be taken to remedy this situation.

2. The problem first started approximately six months ago, which was when the first major incident occurred. (b)(7)(c) reported to the command and (b)(7)(c) took over as the ADMIN LCPO. Approximately a week after (b)(7)(c) assumed the position as the DLCPO she sat down with all of the sailors in the department. Shortly after the hostile events started to happen. The first one took place after (b)(7)(c). For more than six months, I have been the victim of maltreatment, beratement, weekly if not daily demeaning verbal beatdowns. I have been told I am failure as (b)(7)(c) (b)(7)(c) and threaten to have my corrections NEC removed and forcefully converted from being a (b)(7)(c) almost weekly since (b)(7)(c). An intensive list of events is submitted on enclosure (1).

3. I have addressed the issue first with (b)(7)(c) while (b)(7)(c) was on leave and then with (b)(7)(c). Both of the leaders seemed interested in what I had to report, they even took notes. Then they spoke with (b)(7)(c) and (b)(7)(c). I was once again brought into the office with both (b)(7)(c) and verbally abused until I broke down crying. This behavior was not an isolated incident. There are (b)(7)(c) and other (b)(7)(c) within the command that do not know why I am targeted and have been witness to the actions of (b)(7)(c) (b)(7)(c).

4. I have been to (b)(7)(c) (b)(7)(c) to help with the stress from working with individuals who treat me with such malice. (b)(7)(c) I never been one to shy away from my duties or job. These events that have taken place at this command have not only been detrimental to my sense of capability to function optimally limit my ability to do my job, but emotionally draining and physically ailing. (b)(7)(c) When I see either (b)(7)(c) I get (b)(7)(c).

5. In early (b)(7)(c) while (b)(7)(c) was on leave, I spoke with (b)(7)(c) in regards to everything that was happening. (b)(7)(c) was standing in for (b)(7)(c) while he was on

leave. On (b)(7)(c) I spoke with (b)(7)(c) about everything as well. He took some notes and it proved to a wasted effort on my part to even speak to him about any of it. Everything I said was shut down and I was referred back to (b)(7)(c)

6. I respectfully request that the Navy Inspector General's office conduct a formal investigation into the continuous hostile work environment in which I am facing every day for the past six months. I request the investigation to be under Article 1150 complaint against a superior (other than the Commanding Officer).

7. As someone who mentors constantly, I want this behavior to stop. It is not fair to the junior sailors who see this behavior go on with someone they look to for mentorship. I want (b)(7)(c) to be removed from an already difficult duty station. (b)(7)(c) it would be bad judgement on my part if I would request for her to (b)(7)(c) I would see her transferred immediately to any command who is operational and in need (b)(7)(c) She has been at the brig for (b)(7)(c) Let another sailor on sea duty have a chance at shore duty. (b)(7)(c) is already (b)(7)(c) It is time for her to move on to a different career. She herself said that she was never going to make (b)(7)(c) and would retire at (b)(7)(c) She has no aspirations to make herself better and only brings the Navy injustice by wearing the uniform. (b)(7)(c) (b)(7)(c) I would also like to (b)(7)(c) be approved to (b)(7)(c) prior to his request date of (b)(7)(c) He fosters the behavior by not stopping it. He allows (b)(7)(c) to treat their sailors, even the (b)(7)(c) like myself, as if they are the bottom of the barrel. He has no aspiration of doing anything other than (b)(7)(c) (b)(7)(c) Please bring in a (b)(7)(c) who is not (b)(7)(c) and will integrate themselves into (b)(7)(c) and actually attend (b)(7)(c) meetings. We need a (b)(7)(c) who is engaged in the wellbeing of their sailors and willing to be right there with them as they do the grunt work.

8. Please, at your earliest possible date, investigate the events that are taking place with in Naval Consolidated Brig Miramar. I do not want to see any other sailors suffer the way that I have. Regardless of their reasoning, no one should be made to feel as if they are inferior. I can be contacted at phone number (b)(7)(c) I would like to remain as anonymous as possible, however, I do not believe the correct actions can be taken if I do. I am not doing this just for myself, but for those sailors who are scared to step forward. I believe if you look into (b)(7)(c) past commands, you will find sailors who have been singled out and treated with malice. (b)(7)(c) has been at the brig (b)(7)(c) there are several staff members who attest to her lack of ability to do any job efficiently as well as the special eval she received from (b)(7)(c) last year.

(b)(7)(c)

(b)(7)(c)

From:
Sent: (b)(7)(c)
To: CNRSW_hotline
Subject: [Non-DoD Source] Complaint about Brig Fraternization and favoritism at Miramar Brig

This email is to address on going issues with (b)(7)(c)

(b)(7)(c) should be removed as commanding officer from the brig. She is unprofessional, unethical, displays favoritism and fraternizes with certain staff members.

The (b)(7)(c) has made it clear and by her own words " she is an old dog that can't be taught new tricks" and therefore her behavior on displaying favoritism is what the staff at the brig has to deal with. The commanding officer only takes time out of her day to visit certain members in their office and get into personal details about her life and clearly display a high interest in those same certain individuals. (b)(7)(c)

(b)(7)(c)
(b)(7)(c). The (b)(7)(c) was then the executive officer. After her appearance, and the speech that she gave explaining her behavior and trying to justify her actions, the (b)(7)(c)

(b)(7)(c)
a couple of staff members who have committed infractions were mentioned (b)(7)(c) and instead of (b)(7)(c) (b)(7)(c) fixing the problems she looked the other way and such patterns have continued with those individual mentioned. There have been little improvements and complaints under her command but due to everyone knowing of retaliation behavior personnel feel they are walking on egg shells. (b)(7)(c) but that was not because of her efforts, it was really because of the efforts of the staff, (b)(7)(c)

One instance of her favoritism behavior is how she took (b)(7)(c) to mast over a leave mistake but did not take another (b)(7)(c) to mast for adultery, fraternization, who as well had had ig complaints on her for fraternization and was just given a slap on the wrist, the same (b)(7)(c) continued the fraternization infraction and still continues to fraternize. Now living with (b)(7)(c) whom she is a supervisor to. The same person had taken her (b)(7)(c) without the permission of the last commanding officer, (b)(7)(c) the (b)(7)(c) but because there is an obvious display of favoritism to this individual, a civilian, who has no authority in regards to who enters or leaves the brig, said he gave her permission (b)(7)(c) with a thorough investigation the names of this sailors will be known. (b)(7)(c) I do not want to mention her name. The dangers are obvious and many things could have gone wrong but again the (b)(7)(c) choose to look the other way. Leaving staff members with the notion that the rules apply to certain individuals.

(b)(7)(c) and due to the equal opportunity manager being a yes man (b)(7)(c) (b)(7)(c) i have lost confidence in the program.

I say this to address that under her command the (b)(7)(c) get the book thrown at them while, the (b)(7)(c) do not even go to an mast.

Another example is (b)(7)(c) went to court martial, and while awaiting results had got in trouble a second time and the (b)(7)(c) just decide to not address the second infraction, when (b)(7)(c) went to mast for disobey a lawful order which was processed out of the navy, I may be missing some of the details of that case but nonetheless there is an obvious difference. This is not an example of how a command should be ran. Where is the good order and discipline? Amongst those examples (b)(7)(c) would rather hear and listen to prisoners complaints instead of addressing the training deficiency with the staff personnel or giving them more resources.

Recently, the commanding officer held (b)(7)(c) debrief and despite the many ranking boards conducted, she still decided to give favor to a couple of individuals who, she displays favoritism to to include the person mentioned above. She had also mentioned not liking certain individuals but that is not what evals are about. It is my belief she has taken to the eval to retaliate against (b)(7)(c) who were direct competition of her those (b)(7)(c) she displays favoritism too. Due to her favoritism the rankings are recommendations meant nothing to her, she already has her favorites. The (b)(7)(c) had announced at the staff training that she has done her part in helping those with giving them early promotes but that those individuals (b)(7)(c) These kinds of announcements are unnecessary and again she is explaining why she does what she does I do not want to state my rank because (b)(7)(c) but the remarks of the (b)(7)(c) are wrong and she clearly has demonstrated favoritism. especial to (b)(7)(c) (b)(7)(c)

The (b)(7)(c) has a big group of (b)(7)(c) at her command but still chooses to have them do little work while the personnel on shift are in need of personnel. (b)(7)(c) also do not stand duty. Again a show of favoritism, no matter how she tries to justify it this is what she displays.

Honestly I have lost confidence in the (b)(7)(c) her antics and tactics are not what the staff needs. Most of the prisoners released do reoffend. The rehabilitation at the brig is a joke. The (b)(7)(c) has said it herself she is a (b)(7)(c) and to me that's unacceptable for a commanding officer to say especially since she has been there since (b)(7)(c). Those remarks are just pitfull for her to say. It is also crazy to me that she still walks around asking staff members what their jobs are. Again she only concerns herself with certain individuals

I would like my email to be erased or redacted from any form due to my knowledge of the commanding officer doing a reverse email search on IG complaints filed in the past. The (b)(7)(c) had paid for services through spokeo to do a reverse email search ignorer to find out who filed the IG complaint. Am I to lose confidence in the IG system too? The (b)(7)(c) is a person who does retaliate. I have a lot of time left here for my tour but as a leader in the ranks it is my duty to report this. The lowest level possible is not an option in approaching her. The last person who I witness do that was targeted and then removed from the brig (b)(7)(c) Please conduct a thorough investigation and please do not have an officer assigned to the brig conduct the investigation.

We need someone better to be the commanding officer.

PRISONER REQUEST

(See Privacy Act Statement)

PRIVACY ACT STATEMENT

AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; 10 U.S.C. 3013, Secretary of the Army; DoD Directive 1030.1, Victim and Witness Assistance; DoD Directive, Victim and Witness Assistance Procedures; and DoD Instruction 1325.07, Administration of Military Correctional Facilities and Clemency and Parole Authority.

PRINCIPAL PURPOSE(S): Prisoners use this form to initiate an interview or communication with Correctional System staff. Staff members approve or disapprove the request, adding pertinent remarks relevant to the interview.

ROUTINE USE(S): Information may be disclosed to local, state, and federal law enforcement and investigative agencies for investigation and possible criminal prosecution, civil court actions or regulatory orders. The "Blanket Routine Uses" set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.

1. TO (b)(7)(c) <u>Commanding Officer</u>	2. DATE (YYYYMMDD) <u>2018 Jan 4</u>
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SECTION I - NATURE OF REQUEST

Indicate type of request in block 3.a. (X appropriate box(es)) and explain request in block 3.b. (use the back of this form if necessary).

3.a. TYPE OF REQUEST	<input type="checkbox"/> INTERVIEW	<input type="checkbox"/> GRIEVANCE	<input checked="" type="checkbox"/> OTHER
3.b. REMARKS (Explain request) <u>R/R the status of my grievances against (b)(7)(c) against opening my cell door and causing my genitalia (b)(7)(c) area to be exposed to everyone (b)(7)(c) I was last told it was on the XO's desk by my unit team after they checked the status electronically. This was approx IN December. It was originally filed around September while (b)(7)(c) was counselor for (b)(7)(c)</u>			

4. PRISONER'S NAME (Last, First, Middle Initial) (b)(7)(c)	5. REGISTRATION NUMBER (b)(7)(c)	6. BRANCH OF SERVICE (b)(7)(c)
7. <u>(b)(7)(c)</u>		

SECTION II - FACILITY USE ONLY

8.a. FORWARDED TO (Printed Name, Grade, and Organization) (b)(7)(c)	8.b. DATE (YYYYMMDD) <u>20180116</u>
9.a. INTERVIEW WAS HELD WITH (Printed Name, Grade, and Organization) (b)(7)(c)	9.b. DATE (YYYYMMDD) <u>20180116</u>

10. REMARKS SPOKE WITH SNIP AND HE ECHOED ABOVE STATEMENT. (INFORMED SNIP I WOULD TAKE THE NECESSARY STEPS TO RESOLVE/INVESTIGATE THE INCIDENT -

SECTION III - ACKNOWLEDGEMENT BY PRISONER

11. PRISONER'S NAME (Last, First, Middle Initial) (b)(7)(c)	13. DATE (YYYYMMDD) <u>20180116</u>
14. STAFF MEMBER'S NAME (Last, First, Middle Initial) (b)(7)(c)	16. DATE (YYYYMMDD) <u>2980116</u>

PRISONER REQUEST
(See Privacy Act Statement)

(b)(7)(c)

PRIVACY ACT STATEMENT

AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; 10 U.S.C. 3013, Secretary of the Army; DoD Directive 1030.1, Victim and Witness Assistance; DoD Directive, Victim and Witness Assistance Procedures; and DoD Instruction 1325.07, Administration of Military Correctional Facilities and Clemency and Parole Authority.

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DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.

1. (b)(7)(c)

(PREA manager)

2. DATE (YYYYMMDD)

20180823

SECTION I - NATURE OF REQUEST

Indicate type of request in block 3.a. (X appropriate box(es)) and explain request in block 3.b. (use the back of this form if necessary).

3.a. TYPE OF REQUEST ☒ INTERVIEW ☒ GRIEVANCE ☐ OTHER

3.b. REMARKS (Explain request)

I Respectfully Request to speak with you about an issue that happened to me in the L&I supply room involving (b)(7)(c). On July 10, 2018 (b)(7)(c) sexually harassed me when I was sitting in a chair. I was told he was making sexual gestures with his groin on/near my head & hands while my back was to him. // EO S.11

4. PRISONER'S NAME (Last, First, Middle Initial)
(b)(7)(c)

5. REGISTRATION NUMBER
(b)(7)(c)

6. BRANCH OF SERVICE
(b)(7)(c)

SECTION II - FACILITY USE ONLY

8.a. FORWARDED TO (Printed Name, Grade, and Organization)

(b)(7)(c)

8.b. DATE (YYYYMMDD)

20180824

9.a. INTERVIEW WAS HELD WITH (Printed Name, Grade, and Organization)

(b)(7)(c)

9.b. DATE (YYYYMMDD)

20180827

10. REMARKS

JNPs CLAIM OF SEXUAL HARASSMENT DOES NOT MEET THE PREA CRITERIA OF SEXUAL HARASSMENT. I WILL FORWARD INFORMATION TO OPS SO THEY MAY FOLLOW UP WITH DISCIPLINARY ACTION IF WARRANTED.

SECTION III - ACKNOWLEDGEMENT BY PRISONER

11. PRISONER'S NAME (Last, First, Middle Initial)
(b)(7)(c)

(b)(7)(c)

13. DATE (YYYYMMDD)

20180827

14. STAFF MEMBER'S NAME (Last, First, Middle Initial)

(b)(7)(c)

16. DATE (YYYYMMDD)

27 AUG 2018

PRISONER REQUEST
(See Privacy Act Statement)

(b)(7)(c)

PRIVACY ACT STATEMENT

AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; 10 U.S.C. 3013, Secretary of the Army; DoD Directive 1030.1, Victim and Witness Assistance; DoD Directive, Victim and Witness Assistance Procedures; and DoD Instruction 1325.07, Administration of Military Correctional Facilities and Clemency and Parole Authority.

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DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.

1. TO <i>INV</i>	2. DATE (YYYYMMDD) <i>20170201</i>
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SECTION I - NATURE OF REQUEST

Indicate type of request in block 3.a. (X appropriate box(es)) and explain request in block 3.b. (use the back of this form if necessary).

3.a. TYPE OF REQUEST <input type="checkbox"/> INTERVIEW <input checked="" type="checkbox"/> GRIEVANCE <input type="checkbox"/> OTHER	3.b. REMARKS (Explain request) <i>I am respectfully writing this 510 in order to inform brig staff about an ongoing issue. While living (b)(7)(c) we are forced to walk on egg shells out of fear that female staff will write us up. Often female staff enters (b)(7)(c) with no notice or "Female on deck" statement. Since this Brig is part of a dog training program we receive puppies. As a result of that we have female staff coming in our dorm only to pet dogs. Also at 1930 the dog handlers male and female have been meeting in the basketball court. We have</i>
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4. PRISONER'S NAME (Last, First, Middle Initial) (b)(7)(c)	5. REGISTRATION NUMBER (b)(7)(c)	6. BRANCH OF SERVICE (b)(7)(c)
7. SIGNATURE (b)(7)(c)		

SECTION II - FACILITY USE ONLY

8.a. FORWARDED TO (Printed Name, Grade, and Organization)	8.b. DATE (YYYYMMDD)
9.a. INTERVIEW WAS HELD WITH (Printed Name, Grade, and Organization)	9.b. DATE (YYYYMMDD)

10. REMARKS		
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SECTION III - ACKNOWLEDGEMENT BY PRISONER

11. PRISONER'S NAME (Last, First, Middle Initial)	12. SIGNATURE OF PRISONER	13. DATE (YYYYMMDD)
14. STAFF MEMBER'S NAME (Last, First, Middle Initial)	15. SIGNATURE OF STAFF MEMBER	16. DATE (YYYYMMDD)

female staff saying that the reason they are in there is to escort drug handlers to the gym. This meeting for dog handlers has not been approved by Brig Management and it puts male prisoners at risk. Female staff members should be professional at all times and always announce their presence when entering male quarters. All that is at risk is accountability of female staff and fair treatment of all prisoners. L is always targeted by staff and now we are also running into these issues with male staff members. As prisoners we should not be forced to walk in fear in our living quarters. Yet we have female staff in dorms and also conducting walk bys in male dorms. We've experienced men changing in their rooms and being exposed to female staff walking by. These type of things are unacceptable and hopefully this will shed light on the situation and bring forth change. Respectfully

(b)(7)(c)

PRISONER REQUEST
(See Privacy Act Statement)

(b)(7)(c)

PRIVACY ACT STATEMENT

AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; 10 U.S.C. 3013, Secretary of the Army; DoD Directive 1030.1, Victim and Witness Assistance; DoD Directive, Victim and Witness Assistance Procedures; and DoD Instruction 1325.07, Administration of Military Correctional Facilities and Clemency and Parole Authority.

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DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.

1. TO

Operations

2. DATE (YYYYMMDD)

2017 09 08

SECTION I - NATURE OF REQUEST

Indicate type of request in block 3.a. (X appropriate box(es)) and explain request in block 3.b. (use the back of this form if necessary).

3.a. TYPE OF REQUEST



INTERVIEW



GRIEVANCE



OTHER

3.b. REMARKS (Explain request)

Respectfully request an interview to discuss a personal incident during a strip search that occur today.

4. PRISONER'S NAME (Last, First, Middle Initial)
(b)(7)(c)

5. REGISTRATION NUMBER

(b)(7)(c)

6. BRANCH OF SERVICE

(b)(7)(c)

SECTION II - FACILITY USE ONLY

8.a. FORWARDED TO (Printed Name, Grade, and Organization)

OPS

8.b. DATE (YYYYMMDD)

9.a. INTERVIEW WAS HELD WITH (Printed Name, Grade, and Organization)

9.b. DATE (YYYYMMDD)

10. REMARKS

SECTION III - ACKNOWLEDGEMENT BY PRISONER

11. PRISONER'S NAME (Last, First, Middle Initial)

12. SIGNATURE OF PRISONER

13. DATE (YYYYMMDD)

14. STAFF MEMBER'S NAME (Last, First, Middle Initial)

15. SIGNATURE OF STAFF MEMBER

16. DATE (YYYYMMDD)

DEPARTMENT OF THE NAVY
INVESTIGATIVE NOTES

1. CASE TITLE

PREA (b)(7)(c)

2. CASE CONTROL NUMBER (CCN)

(b)(7)(c)

3. MADE BY

(b)(7)(c)

4. MADE AT

NANCONBRIG MIRAMAR

5. DATE

15 SEP 17

6. TIME

1300

A little after 1200 on 8 Sept. 2017, when I came back in from doing
yard work in the front, (b)(7)(c) me I had to be stopped searched.
I went into the room with (b)(7)(c) and (b)(7)(c). As I
was taking off my coveralls, the top portion, the telephone rang and
(b)(7)(c) said to stop. He then opened the door to answer the phone.
(b)(7)(c) I was not completely naked when he opened the door. I put on
the top portion of my coveralls and (b)(7)(c) stood at the door. I would
like to speak to a lawyer.

PRISONER REQUEST (See Privacy Act Statement)		TRACKING NUMBER (If applicable)
PRIVACY ACT STATEMENT		
AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; 10 U.S.C. 3013, Secretary of the Army; DoD Directive 1030.1, Victim and Witness Assistance; DoD Directive, Victim and Witness Assistance Procedures; and DoD Instruction 1325.07, Administration of Military Correctional Facilities and Clemency and Parole Authority.		
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DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.		
1. TO <div style="font-size: 1.2em; font-weight: bold;">INVESTIGATIONS VIA PMD, TD</div>		2. DATE (YYYYMMDD) <div style="font-size: 1.2em; font-weight: bold;">20160513</div>
SECTION I - NATURE OF REQUEST		
Indicate type of request in block 3.a. (X appropriate box(es)) and explain request in block 3.b. (use the back of this form if necessary).		
3.a. TYPE OF REQUEST <input type="checkbox"/> INTERVIEW <input checked="" type="checkbox"/> GRIEVANCE <input type="checkbox"/> OTHER		
3.b. REMARKS (Explain request)		
<div style="font-size: 1.2em;"> THIS CHIT IS A SEXUAL HARASSMENT COMPLAINT AGAINST (b)(7)(c) </div> <div style="font-size: 1.2em;"> (b)(7)(c) . THIS EVENING WHILE AT WORK IN THE GALLEY, </div> <div style="font-size: 1.2em;"> (b)(7)(c) HAD TOLD ME HE WAS VERY ANGRY. </div>		
4. PRISONER'S NAME (Last, First, Middle Initial) (b)(7)(c)		5. REGISTRATION NUMBER (b)(7)(c)
		6. BRANCH OF SERVICE (b)(7)(c)
SECTION II - FACILITY USE ONLY		
7.a. FORWARDED TO (Printed Name, Grade, and Organization)		8.b. DATE (YYYYMMDD)
9.a. INTERVIEW WAS HELD WITH (Printed Name, Grade, and Organization)		9.b. DATE (YYYYMMDD)
10. REMARKS		
SECTION III - ACKNOWLEDGEMENT BY PRISONER		
11. PRISONER'S NAME (Last, First, Middle Initial)		12. SIGNATURE OF PRISONER
		13. DATE (YYYYMMDD)
14. STAFF MEMBER'S NAME (Last, First, Middle Initial)		15. SIGNATURE OF STAFF MEMBER
		16. DATE (YYYYMMDD)

UPON ASKING WHY HE WAS ANGRY, HE TOLD ME ABOUT HOW HE HEARD (b)(7)(c) TELL (b)(7)(c) THE REASON (b)(7)(c) IS GAY IS BECAUSE OF A "GENERATIONAL CURSE." I SAW (b)(7)(c) WAS STILL TALKING TO (b)(7)(c) SO I DECIDED TO WALK AWAY AS I WAS NOW VERY ANGRY MYSELF.

LATER (b)(7)(c) CONFIDED IN ME THAT (b)(7)(c) INITIATED THE CONVERSATION BY ASKING IF (b)(7)(c) THOUGHT HE WAS BORN GAY OR IF HE CHOSE TO BE GAY. APPARENTLY, AFTER (b)(7)(c) GAVE HIS ANSWER, (b)(7)(c) PROCEEDED TO GO ON A TANGENT ABOUT THE WRONGNESS OF HOMOSEXUALITY; GOING AS FAR TO SAY THAT HE BELIEVES IN "GENERATIONAL CURSES" AND THAT IT WAS SOMETHING (b)(7)(c) PARENTS DID THAT MADE HIM GAY. HIS CONVERSATION AND RHETORIC EVEN INCLUDED ~~BE~~ PASSIVE BULLYING. (b)(7)(c) TRIED TO EXPLAIN HIS STRUGGLE GROWING UP BY TELLING (b)(7)(c) THAT HE TRIED TO BE STRAIGHT. (b)(7)(c) REPLY WAS TO ASK, "WELL, WHY AREN'T YOU? WHAT HAPPENED?" IMPLYING (b)(7)(c) DIDN'T "TRY HARD ENOUGH."

PRISONERS (b)(7)(c) ALL HEARD WHAT HAPPENED FROM (b)(7)(c) HIMSELF. ALL HAVE SAID THEY ARE WILLING TO SAY SOMETHING IF ASKED; INCLUDING (b)(7)(c) HIMSELF.

ON A PERSONAL NOTE, AS A HOMOSEXUAL, THIS SORT OF INCIDENT IS VERY DISTURBING. I AM IN NO PLACE TO SAY (b)(7)(c) CAN'T BELIEVE WHAT HE WANTS BECAUSE THAT IS HIS RIGHT. HOWEVER, TO USE AN INNOCENT, YET RANDOM, QUESTION AS A SEGWAY TO AN AGENDA IS VERY DECEITFUL.

FURTHERMORE, TO BRING A PERSON'S FAMILY INTO THE ARGUMENT IS VERY HURTFUL. I AND (b)(7)(c) HAVE HEARD THIS ENOUGH IN OUR LIVES. WE DON'T ~~NEED~~ NEED TO BE SUBJECTED TO IT IN HERE. BEING HERE IS DIFFICULT ENOUGH AS IT IS.

THIS INCIDENT NEEDS TO BE ADDRESSED.

PRISONER REQUEST
(See Privacy Act Statement)

(b)(7)(c)

PRIVACY ACT STATEMENT

AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; 10 U.S.C. 9013, Secretary of the Army; DoD Directive 1030.1, Victim and Witness Assistance; DoD Directive, Victim and Witness Assistance Procedures; and DoD Instruction 1325.07, Administration of Military Correctional Facilities and Clemency and Parole Authority.

PRINCIPAL PURPOSE(S): Prisoners use this form to initiate an interview or communication with Correctional System staff. Staff members approve or disapprove the request, adding pertinent remarks relevant to the interview.

ROUTINE USE(S): Information may be disclosed to local, state, and federal law enforcement and investigative agencies for investigation and possible criminal prosecution, civil court actions or regulatory orders. The "Blanket Routine Use" set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.

1. TO

INVESTIGATIONS

(b)(7)(c)

2. DATE (YYYYMMDD)

20160622

SECTION I - NATURE OF REQUEST

Indicate type of request in block 3.a. (X appropriate box(es)) and explain request in block 3.b. (use the back of this form if necessary).

3.a. TYPE OF REQUEST ☐ INTERVIEW ☒ GRIEVANCE ☐ OTHER

3.b. REMARKS (Explain request)
ON 18 MARCH 2016 I MET WITH MY LPO (b)(7)(c)

TO LET HIM KNOW THAT I WAS BEING SEXUALLY HARASSED BY (b)(7)(c)
HE HAD BEEN HARASING ME FOR ABOUT THREE WEEKS
(b)(7)(c) INFORMED ME THAT HE WOULD TAKE CARE OF IT THE FOLLOWING

4. PRISONER'S NAME (Last, First, Middle Initial)

(b)(7)(c)

5. REGISTRATION NUMBER

(b)(7)(c)

6. BRANCH OF SERVICE

(b)(7)(c)

FACILITY USE ONLY

7.a. FORWARDED TO (Printed Name, Grade, and Organization)

(b)(7)(c)

7.b. DATE (YYYYMMDD)

JUN 24 2016

8. (b)(7)(c) zation)

NCBM

9.b. DATE (YYYYMMDD)

20160713

10. REMARKS

INTERVIEW HELD WITH (b)(7)(c) FORMAL INVESTIGATION.
PENDING

SECTION III - ACKNOWLEDGEMENT BY PRISONER

11. PRISONER'S NAME (Last, First, Middle Initial)

12. SIGNATURE OF PRISONER

13. DATE (YYYYMMDD)

14. STAFF MEMBER'S NAME (Last, First, Middle Initial) (b)(7)(c)

15. DATE (YYYYMMDD)

20160713

CORRECTIONAL FACILITY CONTINUATION SHEET		REPORT DATE (YYYYMMDD)
1. TITLE OF FORM	2. DD FORM (b)(7)(c)	
3. PRISONERS NAME (Last, First, Middle) (b)(7)(c)	4. REGISTRATION NUMBER (b)(7)(c)	
<p>WEEK I WAS MOVING (b)(7)(c) 2016 I GOT A PASS TO (b)(7)(c) TO TALK TO (b)(7)(c) HE TOLD ME HE WAS STILL LOOKING INTO IT AND THAT HE NEVER WANTED ME (b)(7)(c) BECAUSE OF MY LIFESTYLE SINCE I WAS THE ONLY OPENLY GAY MALE IN THE DORM WHEN I ASKED HIM IF I WAS MOVED BECAUSE OF (b)(7)(c) WHICH I HAD BEEN TOLD BY (b)(7)(c) VIA (b)(7)(c) HE ASKED ME IT HAD NOTHING TO DO WITH (b)(7)(c) AND HE HAD DECIDED TO MOVE ME BECAUSE HE BELIEVED I DID NOT FIT INTO THE DYNAMIC OF (b)(7)(c) BECAUSE OF MY LIFE STYLE. I FEEL THAT I HAVE BEEN DISCRIMINATED AGAINST BECAUSE OF MY SEXUAL ORIENTATION AND SEXUALLY HARASSED BY NOT ONLY (b)(7)(c) BUT BY (b)(7)(c) ALSO.</p>		

PRISONER REQUEST
(See Privacy Act Statement)

(b)(7)(c)

PRIVACY ACT STATEMENT

AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; 10 U.S.C. 3013, Secretary of the Army; DoD Directive 1030.1, Victim and Witness Assistance; DoD Directive, Victim and Witness Assistance Procedures; and DoD Instruction 1325.07, Administration of Military Correctional Facilities and Clemency and Parole Authority.

PRINCIPAL PURPOSE(S): Prisoners use this form to initiate an interview or communication with Correctional System staff. Staff members approve or disapprove the request, adding pertinent remarks relevant to the interview.

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DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.

1. TO

Investigations

2. DATE (YYYYMMDD)

20/60804

SECTION I - NATURE OF REQUEST

Indicate type of request in block 3.a. (X appropriate box(es)) and explain request in block 3.b. (use the back of this form if necessary).

3.a. TYPE OF REQUEST

☐

INTERVIEW

☒

GRIEVANCE

☐

OTHER

3.b. REMARKS (Explain request)

(b)(7)(c)

I will try to report on the last time while I was in
(b)(7)(c) was on (b)(7)(c) he would purposely lay in a position to expose his
genitalia. Also when he was off of (b)(7)(c) he walked around with the

4. PRISONER'S NAME

(b)(7)(c)

Initial)

5. REGISTRATION NUMBER

6. BRANCH OF SERVICE

(b)(7)(c)

7. SI

SECTION II - FACILITY USE ONLY

8.a. FORWARDED TO (Printed Name, Grade, and Organization)

INVESTIGATIONS

8.b. DATE (YYYYMMDD)

9.a. INTERVIEW WAS HELD WITH (Printed Name, Grade, and Organization)

9.b. DATE (YYYYMMDD)

10. REMARKS

INVESTIGATION COMPLETE 19 AUG 16

(b)(7)(c)

SECTION III - ACKNOWLEDGEMENT BY PRISONER

11. PRISONER'S NAME (Last, First, Middle Initial)

12. SIGNATURE OF PRISONER

13. DATE (YYYYMMDD)

14. STAFF MEMBER'S NAME (Last, First, Middle Initial)

15. SIGNATURE OF STAFF MEMBER

16. DATE (YYYYMMDD)

(b)(7)(c)

PRISONER REQUEST (See Privacy Act Statement)		TRACKING NUMBER (if applicable)
PRIVACY ACT STATEMENT AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; 10 U.S.C. 3013, Secretary of the Army; DoD Directive 1030.1, Victim and Witness Assistance; DoD Directive, Victim and Witness Assistance Procedures; and DoD Instruction 1325.07, Administration of Military Correctional Facilities and Clemency and Parole Authority. PRINCIPAL PURPOSE(S): Prisoners use this form to initiate an interview or communication with Correctional System staff. Staff members approve or disapprove the request, adding pertinent remarks relevant to the interview. ROUTINE USE(S): Information may be disclosed to local, state, and federal law enforcement and investigative agencies for investigation and possible criminal prosecution, civil court actions or regulatory orders. The "Blanket Routine Uses" set forth at the beginning of the Army's compilation of systems of records notices also apply to this system. DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.		
1. TO INVESTIGATIONS		2. DATE (YYYYMMDD) 20160917
SECTION I - NATURE OF REQUEST Indicate type of request in block 3.a. (X appropriate box(es)) and explain request in block 3.b. (use the back of this form if necessary).		
3.a. TYPE OF REQUEST <input type="checkbox"/> INTERVIEW <input type="checkbox"/> GRIEVANCE <input checked="" type="checkbox"/> OTHER		
3.b. REMARKS (Explain request) ON 20160917 at approx. 1740, I was walking out of galley 1 after chow to line up to go back to the dorm. (b)(7)(c) incentive prisoners were lined up waiting to enter. As I passed by (b)(7)(c) he looked at me up and down and made the sound "mmm". This made me feel extremely uncomfortable and		
4. PRISONER'S NAME (Last, First, Middle Initial) (b)(7)(c)		5. BRANCH OF SERVICE (b)(7)(c)
SECTION II - FACILITY USE ONLY		
6.a. FORWARDED TO (Printed Name, Grade, and Organization)		6.b. DATE (YYYYMMDD)
7.a. INTERVIEW WAS HELD WITH (Printed Name, Grade, and Organization)		7.b. DATE (YYYYMMDD)
10. REMARKS		
SECTION III - ACKNOWLEDGEMENT BY PRISONER		
11. PRISONER'S NAME (Last, First, Middle Initial)	12. SIGNATURE OF PRISONER	13. DATE (YYYYMMDD)
14. STAFF MEMBER'S NAME (Last, First, Middle Initial)	15. SIGNATURE OF STAFF MEMBER	16. DATE (YYYYMMDD)

CORRECTIONAL FACILITY CONTINUATION SHEET

REPORT DATE (YYYYMMDD)

1. TITLE OF FORM

2. DD FORM

3. PRISONERS NAME (Last, First, Middle)

4. REGISTRATION NUMBER

I let (b)(7)(c) know what had happened right after the incident. (b)(7)(c) let (b)(7)(c) know about the incident. He pulled me aside and had me point him out to him to clarify which prisoner I was speaking about.

Prior to this (b)(7)(c) had let me know that she heard (b)(7)(c) talking about me, saying how attractive I was. After I learned he said that, I started watching his actions and expressions if we ever came close. He constantly stares at me in passing, or turns and makes comments to whom ever he's next to. No, I don't know 100% that the comments are about me, I'm just assuming they are.

(b)(7)(c) and (b)(7)(c) heard the sound also and have noticed him staring at me prior to this incident. All of this makes me feel extremely uncomfortable.

(b)(7)(c)

1 Oct 2018

From: (b)(7)(c)

To: Commanding Officer, NAVCONBRIG Miramar

Subj: Formal Written Grievance for Letter of Reprimand

This is an official administrative grievance to a letter of reprimand I received on September 19, 2018 for inappropriate conduct. The reprimand was deemed warranted for giving my minor son (age 17) a tour of the brig without prior approval from the chain of command. I have not filed an appeal or complaint (such as an IG or EEO complaint) on the same matter. My specific issue is that the infraction does not warrant the severity of the discipline meted out based on the chain of events that occurred.

On June 28, 2018 at approximately 0930 I asked (b)(7)(c) if I could bring my son in for a tour after the brig picnic on the 29th. He asked how old my son was and I told him he was 17 ½, but looked older. (b)(7)(c) hesitated, but said, "sure." He then told me to send him an e-mail, so that he could send it out to "everybody" so they would know. I sent him the e-mail that afternoon and I left for the day. My e-mail stated, "Per your request, this is an e-mail reminding you about showing my son the brig tomorrow". It was sent on June 28, 2018 at 1:19 P.M. This e-mail was not a request. It was not asking permission to tour my son. It was a reminder that I would be doing so (as he had already given me verbal permission). I was on leave the following morning for my son's soccer game. We then came to the picnic. I saw (b)(7)(c) at the picnic. He said nothing to me, like asking if I got his e-mail or apologizing for late notice and I said nothing to him, as I believed I had already received approval (had I not, I would have asked him if it had been approved). I brought my son to control, where he received a visitor's badge. Believing I had approval, I introduced him to two CDO's, who did not question my son being in the brig. Had I brought my son in knowingly without approval, I would not have introduced him to two CDO's.

On the morning of July 2, 2018 I read an e-mail from (b)(7)(c) In his e-mail he states, "After some thought, and I apologize for the late response, but we feel uncomfortable that a minor would be in the presence of folks that have no contact with minors. Again, I apologize for the late response." This e-mail was sent on June 28, 2018 at 5:43 P.M. This e-mail starts with, "After some thought." This would indicate that he reconsidered, changed his mind after agreeing to the tour. This e-mail does not say anything about running it up the chain and the command disapproving the tour, which would make sense if I had sent my e-mail requesting approval from the chain of command.

During the investigation the XO asked about other tours I had given to family members. I mentioned one was given to my in-laws earlier this year when they came in to observe a headstone being made for my father-in-law. Approval was not given by the CO for that tour either.

I am compelled to point out the vague and subjective interpretation of procedure that placed me in the position I find myself today. There is nothing written in the Standards of Conduct about tours being approved by the CO or in writing. The investigator cited from the Standards of Conduct, "Personnel shall not use their official positions to secure privileges for themselves or others." And "Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or herself or for family members, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties". Lastly, from BUPERINST "Persons not assigned to duty at the brig shall not be allowed to enter the area except on official business or as authorized visitors. Authorized visitors shall be required to wear a visitor's badge on the front of their outside garment, above the waist".

I did not use my official position to secure privileges. There were no special favors or privileges given that influence the performance of government duties. I believed my son was an authorized visitor and he did, in fact wear a badge on the front of his outside garment, above the waist. Because there is no policy in place for tours, I believed it was appropriate to request permission from security staff and I believed I had obtained permission by security staff.

I understand (b)(7)(c) was upset, as permission was not granted by her and permission was not granted in writing (and (b)(7)(c) is not supporting the fact that he gave me verbal permission). I did ask (b)(7)(c) for video of the training room for the morning of June 28, 2018 in the hopes of observing (b)(7) nodding his head in agreement, but she informed me that the video has been deleted (only kept for 30 days). I understand that (b)(7)(c) can only go by the evidence with which she is presented, which in this case is the e-mail sent by (b)(7)(c) denying the tour. I understand that there must be consequences given to somebody. Unfortunately, that someone is me.

The fact that the XO communicated to me that he was glad I brought the headstone incident to his attention, because there are flaws in the system that will need to be rectified, confirms that there is currently no policy in place. Because of this and my sincere belief that I had approval, I believe a letter of reprimand is a little harsh. There was no intentional undermining of authority.

(b)(7)(c) will determine whether to accept, suspend, or cancel all or part of the grievance. The personal remedy I am seeking in this matter is that I receive a verbal admonishment or letter of caution, rather than a letter of reprimand. If this is not agreeable, then I respectfully request that line #4 of the reprimand, "In addition, this letter may continue to be considered when determining an appropriate remedy for a subsequent offense. Further infractions will not be tolerated and may result in more severe disciplinary action, up to and including removal" be omitted.

In closing, I have been a loyal, devoted employee of the US Government working in corrections for (b)(7)(c) whose only goal here is to be treated fairly and equitably and protect my personal integrity and credibility. These values are important to me. I would greatly appreciate your consideration in this matter.

(b)(7)(c)